For the Secretary
of the
Revenue & Judicial Departments

4·S·D·B·73

SELECTION OF PAPERS

FROM THE

RECORDS

AT

THE EAST INDIA-HOUSE

VOL. II.

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REPORT *of the* BOARD OF REVENUE,
Dated the 18th December 1815.

To the Right Honourable Hugh Elliot, Governor in Council.

RIGHT HONOURABLE SIR:

Par. 1. WE have the honour to forward, for the information of the Right Honourable the Governor in Council, the report required of us by the proceedings of Government, dated 1st March last, together with the reports of the several Collectors on the subject of the transfer of the duties of Magistrate and of Superintendant of Police from the Judge to the Collector. Report of Board of Revenue, 18 Dec. 1815.

2. We have not embraced in our proceedings the discussion of the orders of the Honourable Court, respecting the compulsory issue of pottahs, neither have we prepared the Regulation required. The information before us on the subject is so scanty, and the additional provisions, suggested as necessary to be added to the pottah Regulations, are so various, that we have not been able to determine on the best means of providing for the compulsory issue of pottahs. Most of the Collectors admit the fact that pottahs are not generally issued by Zemindars and others, but many also admit that the reluctance of the cultivators to receive pottahs is greater than that of the Zemindars to issue them. In truth, there appears much reason to believe that, under the present high rates of assessment, a compulsory law to enforce what ought naturally to be a private agreement between individuals might prove more oppressive than beneficial to the cultivators. Even under the ryotwar system, it is known that pottahs were seldom issued by Collectors till the season had very far advanced, and the actual state, not only of the *cultivation* but of the *crop*, had been ascertained.

3. We have also been desirous of considering this subject more fully, from observing it stated in Section 3, Regulation V., A. D. 1812, enacted in Bengal, that "such parts of Regulation VIII., A. D. 1793, and of Regulation IV., "A. D. 1794, as require that the proprietors of land shall prepare forms of "pottahs, and that such forms shall be revised by the Collectors, and which "declare that engagements for rent contracted in any other mode than that "prescribed by the Regulation in question shall be deemed to be invalid, "are likewise hereby rescinded, and the proprietors of land shall henceforward "be considered competent to grant leases to their dependent Talookdars, "under farmers, and Ryots, and to receive correspondent engagements for "the payment of rent from each of those classes, or any other classes of "tenants, according to such form as the contracting parties may deem most "convenient and most conducive to their respective interests."

4. It has thus, after the experience of twenty years in Bengal, been left to both contracting parties, under the protection of the courts, to enter voluntarily into such agreements as their mutual interests may dictate. Concurring, at present, in the wisdom of this enactment, and finding no facts or arguments in the reports of the Collectors, now submitted, calculated to remove this impression, we request permission to delay the preparation of the required pottah Regulation till the subject has received fuller investigation and discussion.

We have, &c.

(Signed) ROB. ALEXANDER,
J. HODGSON,
J. COCHRANE.

Fort St. George, 21 December 1815.

Extract from the Proceedings of the Board of Revenue, under date the 18th December, 1815.

Read again the following letters, on the subject of the proposed transfer to Collectors of the duties of Magistrates and of Superintendants of Police.

 From

Report of Board of Revenue, 8 Dec. 1815.

From Mr. Spottiswoode, dated 10th, in Consultation 24th July 1815.

From Mr. Smith, dated 11th, in Consultation 20th July 1815.

From Mr. H. Oakes, dated 15th, in Consultation 27th July 1815.

From Mr. Russell, dated 2d, in Consultation 10th July 1815.

From Mr. T. A. Oakes, dated 4th, in Consultation 13th July 1815.

From Mr. Fraser, dated 19th, in Consultation 24th August 1815.

From Mr. Ross, dated 11th, in Consultation 21st September 1815.

From Mr. Chaplin, dated 15th, in Consultation 24th July 1815.

From Mr. Sullivan, dated 26th, in Consultation 29th June 1815.

From Mr. Grœme, dated 8th, in Consultation 14th August 1815.

From Mr. Hyde, dated 31st July, in Consultation 7th August 1815.

From Mr. Hargrave, dated 27th August, in Consultation 4th September 1815.

From Mr. Hepburn, dated 23d, in Consultation 29th May 1815.

From Mr. Lushington, dated 15th, in Consultation 20th July 1815.

From Mr. Cotton, dated 28th July, in Consultation 7th August 1815.

From Mr. Peter, dated 27th July, in Consultation 3d August 1815.

From Mr. Read, dated 27th July, in Consultation 10th August 1815.

From Mr. Warden, dated 31st July, in Consultation 10th August 1815.

Par. 1. From the proceedings * of Government, dated 1st March 1815, it would appear that the Board of Revenue are required to report on the expediency of the transfer of the Magistrate's duties to the Collector, in addition to the duties of Superintendent of Police; and, "in particular, adverting to "the other avocations of a Collector, are required to state whether they con- "sider him capable of undertaking the whole duties of Magistrate, as laid "down in the Regulations, without increased assistance or preparations for this "new office."

2. It further appears, that the Board of Revenue are required "to prepare "and submit, through the Sudder Adawlut, the draft of a regulation for se- "curing the enforcement of the rules respecting pottahs, by an adequate pro- "cess under the superintendence of the Collector for rendering arrears of "rent not receivable except on pottahs, and for prohibiting Zemindars from "distraining property for arrears of rent without an order from the Col- "lector."

3. The first subject divides itself into two branches:

1st. The transfer to Collectors of the police duties only.

2d. The transfer to Collectors of the Magistrate's duties, as performed under the existing Regulations, together with the superintendence of police.

4. The following is a summary of the advantages which appear to be expected from the proposed arrangement.

1st. The reduction of expense, by the abolition of the present Darogah and Tannah establishments, by substituting the native Revenue servants employed in the collection of the land revenue, land customs, in the salt and tobacco monopolies, and in other Revenue duties, as executive instruments of police.

2d. That the Judge, being relieved from the duty of Magistrate and the superintendence of police, will have more leisure to attend to the decision of civil suits, supposed to be much in arrear.

Greater efficiency in the police department.

1st. By placing all the Revenue servants, such as Tehsildars and others, who are now in some instances also employed by the Magistrate in police duties, under one master, who has the power to punish and reward them.

2d. By

* Judicial.

Report of Board of Revenue, 18 Dec. 1815.

2d. By placing the Potails, village Taliars, or other inferior officers of police, whose duties partake as much of revenue as of police, under one head superintendent.

3d. By placing the police under the Collector, who possesses the means, through various channels not open to the Magistrate, of obtaining early and more accurate information on subjects connected with the police of the country.

5. The objections to the transfer of the duties of Magistrate and superintendence of police to the Collector appear to be as follows:

1st. That it is contrary to the first principles of jurisprudence, and has hitherto been strenuously opposed by the superior Authorities in India, to vest executive officers of Revenue with judicial powers of any kind.

2d. The difficulty that is likely to be experienced by Collectors and their native servants, in districts of which the Revenue is not permanently settled, in discharging efficiently the duties of Magistrate and Superintendent of Police, in addition to their present detailed and very onerous revenue duties.

3d. That the Collector, in his capacity of Magistrate and Superintendent of Police, will be under the authority and controul of the court of circuit and the Sudder Foujdarry court, and liable to be called away from fiscal duties of importance to the state to judicial duties of importance to the state generally, but more immediately concerning individuals.

Preliminary Observations.

6. Courts of civil judicature were first partially established in the territories under the Government of Fort St. George, in the year 1802, and courts of criminal judicature were first established in the year 1803. The Northern Circars were ceded to the Company in 1768. The jaghire, now called the zillah of Chingleput, was ceded to the Company in 1765. These territories, with a small extent of lands annexed to the settlements of Madras, Cuddalore or Fort St. David, Nagore, and Negapatam, formed, till the war of Mysore of 1792, the only territorial possessions of the Honourable East India Company on this side of the Peninsula. In 1792, the Company acquired by cession from the Sultan of Mysore what was then termed the Ceded Districts, now known by the denomination of the Salem and Barramahl provinces, and also Dindigul.*

7. From 1768 till 1803, or a period of 34 years, there existed no criminal jurisprudence, except such as was exercised by the local Zemindars, or such magistracial jurisprudence as was exercised by the Chief and Councils at Ganjam, Vizagapatam, Masulipatam, and Cuddalore, within the villages, or in some cases in the havally lands annexed to those chiefships.

8. A reference to the records of the Sudder Foujdarry will shew the number of criminals tried and punished annually since the establishment of the criminal courts. The quantity of crime prevented, under an apprehension of the consequences of punishment (an apprehension that can hardly be said to have existed for the thirty-four years preceding this event) can only be estimated.

9. The administration of civil justice was little better provided for, during the period referred to, than the administration of criminal justice.† The Chiefs and Councils held no regular courts, and in such cases connected with claims to property, or suits for damages for injuries sustained, as came before them as sitting Magistrates, they had no rules for their guidance in civil processes, no defined power to execute degrees, and often insufficient power to collect the revenue. The records of Government will shew the extent to which it was necessary in those days to employ regular troops and local corps of sibbendies in the preservation of the peace, the collection of the revenue, and the punishment of the refractory and rebellious. A rebel, when taken, could

* Malabar also, but this province did not come under this Government till 1800.

† The members of the Provincial Council by rotation acted as Magistrates, and in that capacity decided in cases of property, but in a very irregular inefficient manner.

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could not be tried for want of a competent court (unless by military law),* any more than a robber or murderer. If the Zemindars were incompetent or failed to administer justice to the inhabitants of their respective zemindaries; if no authority existed to assemble punchayets, to enforce the decrees, or to punish corrupt decision; if the sovereign authority did not impose the duty of administering justice on any one, or did not exact the performance of the duty by pains and penalties; if the duty was invested in any one by implication, it may fairly be assumed, that redress for wrongs sustained in persons and property, whether from public officers or private persons, could not be obtained by the inhabitants of the Company's territories, during thirty-four years of our possession of those territories. During this period there were no judicial or police charges; but the military and sibbendy charges were enormous, in proportion to the security afforded to individuals or to the tranquillity procured for the state.†

10. In 1794 the office of Chief and Council was abolished in the Northern Circars, and these provinces were divided into collectorships, in number more than double the present. These Collectors might, perhaps, be considered as Judges and Magistrates of their respective collectorates. They were not so appointed, however; and as the whole country was under Zemindars or renters of considerable tracts, and the realization of the revenue, owing to local evils of long standing, was attended with considerable difficulty, leaving each year large balances, the duties of Judge and Magistrate, if exercised at all, were considered of a very secondary nature. No rules had been laid down for the guidance of Collectors in deciding on civil suits, or for the discharge of the duties of Magistrate. No report of decisions was required to be made to superior authority, nor any appeal provided for.‡ The discretion of the local officer alone was his guide, both as to the extent of duties he chose to perform in these departments of jurisprudence, and as to the punishment he thought it necessary to inflict in the Magistrate's department.

11. This was nearly the state of things in the other parts of the Company's territories on the coast. It might, in some cases, have been better, as it might in others have been worse, according to the inclination or capacity of the individuals in charge of the districts, respectively, or to the local circumstances being favourable, or otherwise, to the exercise of judicial and magistracial powers.

12. For some time after the establishment of the courts of circuit in 1803, but prior to the general establishment of the zillah courts in 1806, Collectors, in districts where no courts had been established, were continued as Judges and Magistrates of their respective zillahs. A Register was, however, appointed to each to aid them, and they had, at this time, the judicial code to guide them in their proceedings.

13. This short history of the civil and criminal jurisprudence, for the last half century, in the provinces under the presidency of Fort St. George, has been given in order to meet the fact, which might be urged as an argument in favour of vesting Collectors with limited judicial powers, civil and criminal, viz. that collectors had for a long time exercised these powers, and may be supposed as competent now to discharge the duties of these offices as they were at the period referred to. The same train of reasoning would, however, apply to the state of civil and criminal jurisprudence at a former period: and now, it might be said, "For fifty years the country has been governed without civil and "criminal courts, and may continue to be so governed for fifty years more." But, in these days, a more enlightened consideration is given to the subject.

14. The system of internal government has been gradually ameliorating in all its branches. The judicial and fiscal powers have been separated, civil and criminal courts have been established, and rules and ordinances enacted for each

* It being a matter of doubt whether military law could lawfully be declared in force, it was never resorted to, the Board believe, prior to 1799 or 1800.

† An examination of the military disbursements, during that period, will abundantly prove this assertion.

‡ An appeal to the Board of Revenue and to Government was *understood* to be allowed.

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each branch of administration. The salaries of individuals in most offices have been increased, more arduous and more important duties have been expected from them. For instance, when the Board of Revenue was first constituted in 1786, the total revenues under that Board, all leased out in large rents, did not amount to forty lacks of Pagodas, scarcely to thirty. On the temporary assumption of the Carnatic, during the Mysore wars in 1784 and 1790, a separate Board was created to superintend the Carnatic revenue. The jaghire, now the zillah of Chingleput, was under charge of two Collectors; at one time of three: and in 1794, as already observed, the collectorships in the Northern Circars were nearly double the present number.

15. The extension of the jurisdiction of Collectors in the old districts was rendered practicable by two causes: first, the permanent settlement of the land revenue; and, secondly, the separation from the Collector's office of the judicial and magisterial powers. The salaries of these Collectors, in consideration of their diminished duties and responsibility, as well as with a view to meet in part the expenses of establishing courts of justice, were reduced from Pagodas 3,500 salary, and one and a half per cent. commission, to Pagodas 4,800 salary, without any commission.

16. The extension of the permanent system, (an extension approved by the Honourable Court of Directors, at one time ordered to be carried generally into effect by the Supreme Government in 1804, and provided for in all the arrangements made up to the year 1808) would have led to the same result, generally, and would have diminished the duties and responsibility of collectors. During the last twelve years, the fixed revenue, in the zillahs of Ganjam, Vizagapatam, Rajahmundry, Guntoor, and Masulipatam, has been collected, to the extent annually of upwards of fifty-six lacks of Sicca rupees, or nearly sixteen lacks of Pagodas, with a facility formerly unknown, and without those voluminous references to the Board of Revenue, to Government, and to the Court of Directors, formerly so frequent, and that occupied time which the more important affairs of a Government, now extending over a territory nearly quadruple in size to what it was at that period, requires, should be bestowed on matters of superior importance.

17. In the zillahs of Chingleput and Salem, owing to over assessment, the permanent revenue has not been collected with equal facility, but the duties of the Collectors have been defined by Regulations; and although the Board of Revenue have been harassed with frequent references, the system has freed the superior Board from the superintendence of these troublesome details.

18. The system of decennial village lease rents would, to a certain extent, have relieved both the superior and inferior Board, as well as the Collectors, from these annual details. That system is disapproved, and the ryotwar system ordered to be introduced in all practicable cases. The detail of revenue management under this Government will, therefore, increase; and to this detail of land revenue management must be added the superintendence of the collections of the internal sayer or land customs, of the salt and tobacco monopolies, and of the Abkary revenue.

19. This short summary will shew that the revenue duties of Collectors are about to be increased, in a considerable degree, in the Northern Circars, and still more so in other districts, by the extension of the ryotwar system to all zemindaries, mootahs, and villages, which may lapse to Government: that although formerly, for a long period, Collectors were the only Judges and Magistrates, they were but nominally so, and, except in a few instances, were restrained by local causes, from exercising the powers belonging to those offices, and performed their duties under much less responsibility, and in a much more concise and arbitrary manner than they could now be permitted to do, or would venture to do, if again vested with the united offices of Judge, Magistrate, and Collector.

20. The amount of gross revenue at present under the superintendence of each Collector, as it stood in fusly 1224, or on the 12th of July last, is as follows:

Statement

Statement shewing the gross Collections of the public Revenue under the Superintendence of the Board of Revenue at Fort St. George, for Fusily 1224, or from 11th July 1814 to the 12th July 1815.

Districts.	Gross Collections in Fusily 1224, including every Branch of Revenue, and Recoveries.			Gross Charges in Fusily 1224, including every Branch of Revenue.			Net Revenue in Fusily 1224.		
	Star Pagodas.	Sicca Rupees.	Pounds Sterl.	Star Pagodas.	Sicca Rupees.	Pounds Sterl.	Star Pagodas.	Sicca Rupees.	Pounds Sterl.
**Districts of which the Land Revenue is permanently settled.*									
Zillah of Ganjam	3,56,875	11,62,920	142,750	35,159	1,14,570	14,064	3,21,716	10,48,350	128,686
... Vizagapatam	4,12,719	13,44,895	165,088	25,642	83,558	10,257	3,87,077	12,61,337	154,831
... Rajahmundry	6,65,685	21,69,215	266,274	50,961	1,66,063	20,384	6,14,724	20,03,152	245,890
... Masulipatam	4,10,991	13,39,264	164,396	36,079	1,17,568	14,431	3,74,912	12,21,696	149,965
... Guntoor, including Palnaud........	5,17,835	16,87,428	207,134	42,573	1,38,729	17,029	4,75,262	15,48,699	190,105
... Chingleput	4,40,132	14,34,223	176,053	83,458	2,71,958	33,383	3,56,674	11,62,265	142,670
... Salem, Baramahl, and Ossoor, &c.	5,74,502	18,72,084	229,801	51,279	1,67,099	20,512	5,23,223	17,04,985	209,289
Total ...	33,78,739	1,10,10,029	1,351,496	3,25,151	10,59,545	130,060	30,53,588	99,50,484	1,221,436
Districts of which the Land Revenue is [illegible] manently settled.									
Nellore and Ongole, including [illegible] Zemindarry of Vencatagherry	7,54,078	24,57,254	301,631	1,11,656	3,63,844	44,662	6,42,422	20,93,410	256,969
Northern Division of Ar[illegible] including western zemindarries, &c........	7,83,558	25,53,318	313,423	1,55,579	5,06,973	62,232	6,27,979	20,46,345	251,191

Southern Division of Arcot, including Cuddalore, &c.	6,95,970	22,67,902	278,388	1,20,955	3,94,046	48,382	5,75,015	18,[illegible]3,756	230,09[illegible]
Tanjore	12,50,440	40,74,710	500,176	1,93,218	6,29,624	77,287	10,57,222	34,45,086	422,889
Trichinopoly*	5,26,788	17,16,602	210,715	99,025	3,22,685	39,610	4,27,763	13,93,917	171,105
Madura*	4,78,756	15,60,084	191,502	84,713	2,76,047	33,885	3,94,043	12,84,037	157,617
Tinnevelly*	6,20,743	20,22,766	248,297	61,297	1,99,744	24,519	5,59,446	18,23,022	223,778
Bellary*	10,50,051	34,21,718	420,020	1,28,773	4,19,622	51,509	9,21,278	30,02,096	368,511
Cuddapah*	8,36,704	27,26,501	334,681	1,36,828	4,45,871	54,731	6,99,876	22,80,630	279,950
Coimbatore*	6,47,022	21,08,399	258,809	1,61,795	5,27,228	64,718	4,85,227	15,81,171	194,091
Malabar*	7,87,274	25,65,428	314,910	2,15,770	7,03,113	86,308	5,71,504	18,62,315	228,602
Canara*	8,36,169	27,24,758	334,468	2,00,246	6,52,526	80,099	6,35,923	20,72,232	254,369
Island of Seringapatam	20,692	67,427	8,277	4,377	14,263	1,751	16,315	53,164	6,526
Madras and Government Customs	4,28,343	13,95,807	171,337	1,07,846	3,51,429	43,138	3,20,497	10,44,378	128,199
Total ...	97,16,588	3,16,62,674	3,886,634	17,82,078	58,07,115	712,831	79,34,510	2,58,55,559	3,1[illegible]3,808
Grand Total ...	1,30,95,327	4,26,72,703	5,238,130	21,07,229	68,66,660	842,891	1,09,88,098	3,58,06,043	4,395,239
Presidency.									
Board of Revenue	1,237	4,031	495	52,521	1,71,140	21,009	Deduct excess of charges. 51,281	1,67,115	20,514
Superintendent of Stamps	...	...	...	7,066	23,025	2,826	7,066	23,025	2,826
Final Grand Total ...	1,30,96,564	4,26,76,734	5,238,625	21,66,816	70,60,831	8,66,726	1,09,29,748	3,56,15,903	4,371,899

* In some of these districts the land revenue of a few zemindarries has been settled permanently.

Note.—The rates of Exchange adopted in the above Statement are the following:—Pagodas converted into Sicca Rupees at the par of exchange and account rate of 325 Sicca Rupees and 862 decimals per 100 Pagodas. Pagodas into Pounds Sterling at the rate of eight shillings per Pagoda.

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21. The arduous nature of the duties required from the Collectors will not admit of being estimated by the ratio of the collections made by each. In some collectorships the revenue is collected with facility, in others with considerable difficulty; and this statement applies as much to settled as unsettled districts. In Canara, for instance, the gross collections are about £334,000, and in Tanjore £500,000. In these two provinces the duties of the Collectors will bear no comparison proportionate to the revenue of each. In Tanjore the care of the numerous important works for irrigation is not only a source of much anxiety and responsibility, but requires much personal superintendence.

Expense of the Judicial System and of the Police, and Expectations entertained of the Reduction thereof by the proposed Arrangements.

22. It is not, perhaps, the particular province of the Board to notice the subject; but as it has appeared to them that the revenue formerly assigned for police purposes, although in many instances incorporated by authority with the land revenue, has been lost sight of, it has occurred to them that it would be useful to state the amount of this revenue, and to suggest that a more distinct mode should be adopted of bringing the police receipts and charges to account.

23. Regulation XXXV, A. D. 1802, provides for the employment of Darogahs and Tanadars in the zillah of Chingleput, in lieu of the former cavelly or poligar watching system.*

24. Under this Regulation, an annual expense is incurred, including pensions to ousted Poligars, and high pay to well behaved Poligars, appointed Darogahs, of about Star Pagodas 15,000. By this arrangement an annual charge is exhibited, under the head of police charges, in the zillah of Chingleput, to that extent which, under the old system, when the Collector was head of the police, and Poligars and Cavilgars his instruments of police, did not appear as a charge at all.† These superior instruments were paid as the Taliars, the inferior instruments, in most cases are still paid, by assignments of revenue, and by deductions of revenue, before the gross revenue was brought to account, or by fees in grain taken from the gross produce, and certain pecuniary payments from each house.‡

25. The police charges in the zillah of Chingleput are actually less than the police receipts; but as the receipts are brought to account under the head of land revenue, the circumstance now stated, viz. the existence of a full set-off to the police charges in the zillah of Chingleput, does not now appear in any public account, and seems very likely to be soon forgotten.

26. A want of a knowledge of this set-off has evidently led to an erroneous conclusion, that the employment of Darogahs, Tanadars, and police Peons, has caused in the zillah of Chingleput, and in other zillahs, an enormous expense; whereas the Board will be able to shew, in a subsequent part of these proceedings, that this description of officers have only been substituted for the Poligars and Cavilgars under the old system of police, and that the expense under this new arrangement is less than that under the old plan.

Abstract

* Preamble. "The establishments existing in the zillah of Carangooly, for the purposes of "police, having been committed to certain Poligars and Cavilgars, have proved by long expe- "rience, under the administration of the said Poligars and Cavilgars, to be inadequate to the "prevention of crimes, or the apprehension of offenders, and have, by the abuse of the power en- "trusted to the Poligars and Cavilgars, been converted into additional means of disturbing the "order of society with impunity: wherefore the Governor in Council has resolved to abolish the "office of Poligar and Cavilgar, and to substitute a more efficient plan of police for the zillah of "Carangooly, under the following Regulations."

† Some items are included that are not police charges.

‡ By the Board of Revenue. "Mechanics, artificers, and others, paid appropriate fees in kind. "A carpenter gave a hammer; a weaver, a piece of cloth; a painter of cloth, a piece of painted "cloth, &c. &c. the equivalent in money."

Abstract Statement of the Police Fund in the Jaghire now the Zillah of Chingleput, and its Appropriation (See Mr. Greenway's Letter to the Board of Revenue), dated 30th October 1801.

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Actual privileges of fusily 1809 .... Star Pagodas		26,298¼
Deduct pesheush payable by the Poligars to Government		5,480
Net amount		20,818¼
Add: Rent in the new plan for villages made over to the Poligars superseded by the Darogah establishment, being those principally in which the Poligars and their ancestors had resided		573¼
		21,391
Charges:		
Life pensions to Poligars not employed in the new police, Star Pagodas	750	
New police:		
Five Darogah stations under police Darogahs, many of whom having been formerly Poligars, their pay was fixed on a high scale, and the subordinate tannah stations and Peons	*15,624	
		16,374
Estimated surplus in 1801		5,017

27. The police establishment in the zillah of Chingleput had been diminished since this period, the actual is, therefore, greater than the estimated surplus.

28. The practice established in the zillah of Chingleput has been previously introduced into Tinnevelly, and has since been extended to other districts.

29. Mr. Lushington, in his letter of the 7th of October 1800, writes from Tinnevelly, that the gross jumma of all established collections (Cavilly) in the Circar lands, for the past fusily 1209, amounted, under the various heads specified in the statement which accompanied his letter, to Canterai Pagodas 1,07,603, or Star Pagodas, 65,213 42 21.

30. Mr. Cotton, in the eighth paragraph of his letter, dated 28th July 1815, estimates the Cavilly russooms of Tinnevelly resumed at 53,800 Pagodas; and, in paragraph 9, states the Darogah and Tannah establishment to be very low. Two hundred and fifteen Peons only are employed.

31. In the eleventh paragraph of Colonel Munro's report to the Police Committee, dated 10th April 1806, it is stated, that "when the Mahomedan kings
" of Golcondah and Beejapoor had driven the Byjinuggar Rayels from the
" countries of which the Ceded Districts form a principal part, it appears that
" they, at first, in some degree adopted the cavilly system, by continuing the
" old Cavilgars, and in some instances creating new ones, either in favour of
" persons by whom they had been aided against the Hindoo government, or
" of chiefs whose reduction being difficult, it was deemed expedient to pur-
" chase their submission by the grant of a valuable office. They soon, how-
" ever, reduced the russoom or commission on the collections held by the great
" Cavilgars from ten to five per cent. and at the same time resumed a great
" proportion of the enam villages and lands. As they were hostile to the whole
" cavilly system, they lost no opportunity of lessening both the per-centage
" and the enams, of forcing the Cavilgar to commute his allowances for a
" fixed sum much below their amount, and of stopping the whole wherever it
" could be done with safety. By these means the cavilly per-centage in the
" Ceded Districts, at the time of their conquest by Hyder Ally, had fallen from
" about Canterai Pagodas 2,4[illegible],010 to Canterai Pagodas 36,125, and the enams " from

* It appears now to amount to Star Pagodas 14,755 37 79.

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"from about Canterai Pagodas 2,42,020 to Canterai Pagodas 97,158, and "during his government the per-centage was entirely done away, almost the "whole of the enam villages resumed, and the enam lands reduced to about "Canterai Pagodas 14,950, as exhibited in the Statement, No. 4."

32. In the twenty-sixth paragraph of the same letter, Colonel Munro estimates the Tallari privileges at 47,000 Star Pagodas. It appears clear to the Board, from the whole tenour of Colonel Munro's very able report above referred to, that on the supercession of the Poligars in the Ceded Districts, and on the survey being instituted, all the privileges of the Poligars merged in the land-rent; that is, the fees, &c. that the inhabitants paid to the Poligars were abolished, and their rent-free lands, if they possessed any, assumed.

"The present police establishment," observes Colonel Munro,* "is of the "same nature as that which existed under the Mysore Government. It is "composed of the village Talliars, of Cutwalls, and their Peons in the prin-"cipal towns, of guards of Peons in a few of the most dangerous ghauts. "Neither the great or the petty Cavilgars, in the Statement No. 4, can now "be regarded as police officers. Most of the great Cavilgars are Poligars, "who were expelled under the Mysore Government, and all of them are pen-"sioners receiving allowances from Government, either in money or land, not "for any services to be performed, but merely to induce them to live in quiet, "by leaving them no motive to plunder for a subsistence. The petty Cavil-"gars are also, on the same grounds, permitted to enjoy their allowances; "but no useful service is or can be got from them, for they have been too "little accustomed to subordination to obey the heads of villages, or even the "Aumildars, without compulsion. They are the remains of a race of men "who have always been dangerous to the tranquillity of the country. It is, "therefore, better that Cavilgars of every description should be regarded as "pensioners, from whom no service is to be exacted, and that their lands "should be gradually resumed on the failure of heirs."

33. This demonstrates, the Board think, that the cavilly revenue of the Ceded Districts has been added to the land revenue, and that Government in that district are bound to provide for an efficient police, at its own expense.

34. In the seventh paragraph of Mr. Hepburn's letter of the 23d May 1815, it is stated that the Committee appointed in 1813 to examine the state of the police in Tanjore, recommended the sequestration of the whole of the cavilly fees. This recommendation was adopted. The expenses of the new police amounted last year to 34,000 Star Pagodas, while the collections on account of the cavilly or police revenue amounted at the same time to 43,000 Pagodas.

35. In like manner, the cavilly mauniums and meerahs have been resumed, and are collected with the land rent in the northern and southern division of Arcot.

36. If the act of resuming the revenue assigned by the Native Government for police purposes had been extended to the incomes of the inferior officers of police, and those officers had been abolished, or made mere stipendiaries under the Darogahs or Thanadars, and their privileges in land, money, or in kind, had been added to the land revenue, it is manifest that what has occured, with regard to the superior instruments of police, would have taken place with regard to the inferior, viz. the receipt of an equivalent would in time have been forgotten, and the expense of providing for the security of the persons and property of the native subjects of the Company, would have been considered, as the police charges appear now to be considered, a heavy tax on the finances of Government.

37. The police revenue, under the Native Governments, was defrayed in part by the Government and in part by the people. The items forming the police revenue in the Ceded Districts are detailed by Colonel Munro in his report of the 10th April 1806, and may be taken as the history of the cavilly revenue in most provinces.†

"The

* Letter from Colonel Munro, 10th April 1806, paragraph 15.

† See ditto, paragraph 6.

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"The funds assigned for the support of the police establishment, as far as "they can now be known, appear to have been very ample. The Talliar had "the same enaum lands, and the same fees in money and in kind, as he now "enjoys. The petty Cavilgars' allowances arose from the following heads:

"1st. A village rent free, or at a quit rent.

"2d. A certain portion of enaum land in every village within his juris- "diction.

"3d. Marah, or an allowance in grain upon each plough, or upon the quan- "tity of seed sown.

"4th. Wurtanah, or an allowance in money paid by husbandmen on ploughs, "and by tradesmen on houses, shops, or looms.

"5th. Moolves, a small duty on goods passing through the country.

"6th. Fusqui, a small duty levied at fairs and weekly markets, on Shroffs in "money, and on other dealers in kind.

"The enaum village was granted to the petty Cavilgar only in particular "cases. His marah and wurtanah are supposed to have been nearly on the "same footing as they have been in later times, and the rates at which they "were collected to have varied in every village, from one fanam to twelve on "each plough, house, shop, or loom. His moolves, or duty on goods, was "from one roowa to one pice per gunny: it was levied wherever the Sirkar "customs were levied, and was usually, to save the expense and trouble of "a separate collection, rented to the custom farmer.

"The allowances of the head Cavilgar consisted of:

"1st. A certain number of enaum or rent-free villages.

"2d. Portions of enaum land in each village.

"These two heads of enaum villages and lands usually amounted to ten "per cent. of the land, and sometimes to more.

"3d. Marah
"4th. Wurtanah
"5th. Moolves
"6th. Fusqui
} In the same manner as to the petty Cavilgars.

"7th. Ten per cent. on the gross collections of the Sirkar revenue."

38. An abstract of the judicial charges, of the police charges, and other judicial charges and receipts, is inserted hereunder, and credit is taken for the revenue which appears to the Board to have been assigned for defraying the expense of the judicial system.

Judicial and Police Charges.

	St. Pagodas.	F.	C.			
Judges' and Registers' salaries	4,14,480	24	39			
Surgeons' salaries, allowances, and establishments	24,653	1	19			
Native establishments, civil and criminal	1,44,987	18	78			
	5,84,120	44	56			
Contingent Charges.						
Contingencies, rent of court-houses and jails, repairs of ditto, &c.	28,694	7	33			
Batta to witnesses and support of prisoners	35,194	22	39			
Extra charges	17,194	39	29			
Total Judicial				6,65,204	23	77
Police.						
Police establishment, including Cutwals and the Ganjam Sibbendy Corps				2,25,835	20	0
Grand Total of Judicial and Police Charges				8,91,039	43	77

Brought

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			St. Pagodas F. C.
		Brought over......	8,91,059 43 77
Judicial Receipts.			
Fees, &c.	29,058 14 67		
Fines and forfeitures......	11,864 3 12		
Refunds of charges	10,666 8 76		
		51,588 26 75	
Police Receipts.			
By the Magistrate.........	2,128 32 23		
Police revenue, estimated to be included in the land revenue, or not otherwise shewn in accounts	2,14,166 0 55		
		2,16,294 32 78	
		2,67,883 14 73	
By net salt revenue		6,44,275 17 15	
Stamps		93,481 28 13	
			10,05,640 15 21
		Estimated Surplus	1,14,600 16 24

39. For the particulars of these sums see Appendix A.*

40. The Governor in Council may be surprised to see the revenue derived from the salt monopoly included as a judicial receipt. It appears, however, from the report of the Board of Revenue, dated 3d September 1799, which was approved by the most noble the then Governor-General in Council,† that this tax which has increased the price of salt from one and a half or two star pagodas to thirty star pagodas per garce, or nearly fifteen hundred per cent., was expressly declared to be intended to defray the expense of the judicial courts about to be established, for the protection of the persons and property of the native subjects under this Government.

41. In inserting the amount of the net salt revenue as a set-off to the judicial charges, the Board do not mean to maintain that the Government had not a right to impose this tax, or if imposed, that it is not appropriable to any other than judicial expenses. They have no other object than to shew that an additional tax, not in existence prior to the establishments of the courts, and proposed to be levied for the purpose of meeting the charge which the establishment of those courts would entail, has answered the end for which it was imposed.

42. The medical establishment, some part of the charges for the support of prisoners, all the charges paid for Cutwals and other police purposes by Collectors previously to the separation of the police from the Collectors, should be deducted, when the total charges resulting from the establishment of courts of justice are under consideration. The Sibbendy corps in the zillah of Ganjam is not a new charge. Sibbendy corps existed under the Collectors for many years in the Northern Circars, to a much greater extent than are now employed.

43. The amount of police revenue received by Government, but not brought to the credit of police charges, is estimated at Star Pagodas 2,14,166 0 55, and is taken from returns furnished by the Collector. By the Police Committee of 1814 the revenue appropriable to police purposes was estimated at Star Pagodas 3,70,000, as per Statement A, enclosure in their report. The first sum, the Board are of opinion, is under-rated; the latter sum includes revenue not resumed and revenue now assigned for the support of the talari police. The amount, however, is sufficiently accurate to elucidate the question here discussed, but the Board have called for further information on this subject.

44. The

* Vide Enclosure A.

† To Government, dated 28th June 1804, paragraph 1.

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44. The Board here beg leave to suggest, that the head of "Police" in the public accounts should, in future, receive credit for its proper revenue. If authorized to communicate with the Accountant-General on the subject, the Board will have little difficulty in submitting to Government, for its final determination, a statement shewing the precise sum for which the head of "Police" is entitled to receive credit.

Leisure afforded to the Judge by the proposed Transfer of his Magistracial and Police Duties to the Collector.

45. This advantage will be admitted without hesitation, as the result of the Judge being relieved from magistracial and police duties.

The number of days in the year being	365	
Deducting Sundays	52	
	313	
Deducting three days in six, or half, for time appropriated to the discharge of the Magistrate's duties	156½	
Remain	156 days for the administration of civil justice	
From which again must be deducted a number of days for the Dussarah mohurrum, and other native festivals	000	
Ditto, ditto, for the time the court of circuit may be at the station, or, at least, the time required to be set apart to prepare the documents required for that court,* part out of the criminal and part out of the judicial days	000	
Time required to write reports on judicial, police, and other Magistrates' business, so frequently called for of late	000	
Days lost by leave of absence, indisposition, and other causes	000	000
Leaving the number of days in a year estimated to be employed in deciding civil causes		000

46. It might then be demonstrated, by the evidence of figures, that a Judge has not many days in the year to appropriate to the hearing and trying of civil causes. It appears that the duties of Judges and Magistrates are not all equally arduous. In some districts the duties of Magistrates are extremely onerous: in others the duties of Magistrates are light, and those of the Judge heavy. In a few, the duties of Judge and Magistrate are not more than one individual can perform. If this statement, gathered from the Collectors' reports, is nearly correct, and its correctness can be best substantiated by the Sudder court, it is possible that the result of a general transfer, of the nature contemplated, might, in some cases, be to transfer the duties of Magistrates from a Judge, who has ample leisure to discharge them, to a Collector, whose time is already fully occupied with the multifarious and detailed duties already assigned to him.

Greater Efficiency in the Police Department.

47. If it can be established that there is no necessary connection between the duties of Magistrate and those of Superintendent of Police, the Board are of opinion that the measure of transferring to Collectors the police duties only, will produce both a saving of expense and greater efficiency in the police department. It is liable, however, to one very serious objection, viz. the possibility of Revenue officers perverting the powers of police to promote the interests of revenue. The necessity which unfortunately so often occurs of pressing supplies for detachments, or furnishing them for the use of the commissariat, opens a wide door to native servants to harass, in the Police department, those who may have offended them in the Revenue department. In the Ceded

* The duty of translating all documents for the court of circuit is represented as very heavy, and occupying much time. (See Mr. Ross's and Mr. Chaplin's reports.)

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Ceded Districts, however, the only superior officers now employed in the police, with the exception of a few Cutwals, and the asham or military Peons, are the native servants of the Collector, owing, as already stated, to the old cavelly system having been suppressed.

"No material alteration in the administration of the police, since the esta- "blishments of the courts, has taken place," observes Mr. Chaplain,* "in "the Ceded Districts, with the exception of the magisterial powers being "vested in the Judge, instead of being as formerly in the hands of the Col- "lector. No Darogahs having yet been appointed, the Amildars of districts, "who form a part of the regular establishment of the Collector, are still the "chief police agents under the Judge in each talook. In the transaction of "their police business, they are assisted, as heretofore, by the heads of "villages, and by the Talliars. They have also the aid, but in a more "limited degree than before, of the asham or police corps. As far, therefore "as relates to the Ceded Districts, the only change contemplated will be tha "of retransferring from the Judge to the Collector the superintendence of th "police, together with magisterial powers, thereby investing him again with "authority and control over his own servants in the police department."

48. It appears to the Board to be certain, and most of the Collectors admi it, that a more vigilant controul can be exercised by them over their native servants, if under one head, although employed in two departments, than ca possibly be exercised by the Magistrate over Revenue servants employed in th Police department, and unavoidably considering their revenue duties as of su perior importance to their police duties. There is some danger of this opinio of the secondary nature of police duties continuing, and, as already stated, tha either revenue affairs will be neglected for matters of police, or police affai will be neglected for revenue duties. There are times of the year when, unde the ryotwar system which is now about to be generally introduced, Revenu servants will be little able to bestow much attention on police duties. It has al been observed, that it is as incongruous to annex the performance of polic and Magistrate's duties to a civil Judge, as it is to annex those duties to th office of Collector, and that it would be better to have a separate person charge of the police and magistracy.† This, indeed, appears to the Boa the arrangement to be preferred: still, if a separate police establishment is n allowed, the Revenue servants employed in the police would be under tw masters, a measure very objectionable. This might, perhaps, be obviated the following plan:

1st. Zillah Judges and their Registers to be relieved from all police duti and from all magistrate duties, except in cases hereafter provided for.

2d. Collectors to be head Magistrates and Superintendents of Police in t districts under their charge.

3d. Assistants to Collectors to be deputy Magistrates and deputy Sup intendents of Police.

4th. Collectors to be in future styled "Magistrates and Collectors "Zillahs."

5th. Magistrates to be at liberty to delegate to their deputies the duties Magistrate and Superintendent of Police, and to resume such powers when i most advantageous to the public service that they should act themselves Magistrates.

6th. Deputy magistrates, in all practicable cases, to have charge of zillah jail, to reside at the station where it is erected, and the Magistrat court to be held there. Deputy Magistrates to be fixed residents, unless cases where the head Magistrate may consider it necessary to become a re dent at the jail station, in order to depute his deputy on revenue, police, other duties. Either the head or deputy, or an acting magistrate, to always present at the station where the jail is erected, in order that the Mag trate's court may be shut as seldom as practicable, and the escape of prisone be prevented by the personal vigilance and precaution of a Magistrate.

7th. T

* Paragraph 2.

† Mr. Lushington, Paragraph 5.

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7th. The person acting as Magistrate under this Regulation to possess all the powers granted by the existing Regulations to Magistrates; but all orders issued in the police or Magistrate's department, and all summonses to be issued in the name of the Collector of the zillah, to bear his official seal, but to be signed by the person doing the duty of Magistrate.*

8th. In the event of the absence or indisposition of the Collector and his assistant,† or in other cases, to be competent for Registers, Assistant Judges, Commercial Residents, their deputies or assistants to act as temporary Magistrates, and to take charge of the jail. (The mode and manner of appointing them, or applying for their services, to be entered here.)

9th. All persons acting as Magistrates to be declared liable to a civil prosecution for damages, for abuse of the power vested in them to the injury of individuals. For criminal acts they are already amenable to the King's court at Madras.

The transfer of Magistrates' Duties to Collectors, contrary to the fixed principles of Jurisprudence.

49. This is not, perhaps, a branch of the discussion which it is the duty of the Board to notice; but as the general powers given to a Magistrate by the Regulations enacted for his guidance, and the special powers given by the following Regulations, viz. by Regulation I, A. D. 1805, for the salt monopoly, by Regulations I, II, and III, A. D. 1812, for the sayer, by Regulations VII and VIII, A. D. 1811, for the tobacco monopoly, by Regulation I, A. D. 1808, for the abkarry revenue, by Regulations IV and VIII, A. D. 1808, for the stamp revenue, would, on the transfer of the power and duties of Magistrate to the Collector, require him to exercise the powers of Magistrate, in hearing, trying, and punishing, to the extent warranted by the laws, all petty frauds on the land revenue under ryotwar, greater frauds in the sayer, salt, tobacco, and abkarry revenue, and other misdemeanours, it is the duty of the Board to notice the subject here, that such provision may be made in the Regulation now preparing, as may, in the wisdom of Government, appear proper, either for limiting, restricting, or extending the powers given to Collectors, as Magistrates, by those Regulations.

Mr. Read, the Collector in Canara, observes, paragraph 3 of his letter, "it is the general opinion of the judicial servants who have been employed upon this coast, that the number of criminals and work attendant upon them in Canara, might alone occupy the time and attention of the most active Magistrate. It is a province of great extent, and so fruitful of crimes, that when the present Judge and Magistrate took charge of it, in the beginning of January, he found four hundred and thirty-six persons who had been apprehended at different times, but either not examined or not committed, consequently was unable to enter on the trial of a single civil suit before the month of May, the number of criminal examinations taken for six months, ending the 30th June last, being no less than 1,367. Robberies attended with murder have been extremely common, which necessarily leads to longer and more intricate examinations than would be necessary in crimes of less magnitude." The punishment of frauds committed in the custom, salt, and tobacco departments, Mr. Read adds, "are likewise extremely frequent, and daily occupy a portion of the Magistrate's time." Sic. orig.

50. Several of the Collectors contend for the absolute necessity of transferring to them all or none of the powers now vested in Judges and Magistrates, and Superintendents of Police.

"Regarding the expediency of the proposed measure, I have uniformly entertained," says Mr. Chaplin,‡ "the same opinion which I now hold, that it would materially contribute to the efficiency of the police. The principal,

* Remark.—This is necessary, because all the inferior officers are revenue servants. It will show them that the Collector is the head of the whole.

† Remark.—When Collectors and assistants are sick, or on leave of absence, their duties must then be provided for. If a Collector is making a ryotwar settlement, he cannot be called off to take charge of the jail and Magistrate's office.

‡ Paragraph 3.

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" cipal, as well as the subordinate police officers, the Aumildars, and the chiefs " of villages, being all revenue servants, are at present placed in the very " embarrassing predicament of being subjected to two distinct authorities. " The inconveniences arising from their being compelled to perform the pro- " verbially difficult task of serving two masters are of frequent occurrence, and " have not uncommonly produced that paralization in the exercise of their " respective functions, which the Honourable Court, in the nintieth paragraph " of their dispatch, have so truly and emphatically described to be the neces- " sary consequence of such a division of authority. It is obvious that a duty " to be performed under circumstances so irksome, must often be undertaken " with reluctance, and will therefore be executed imperfectly. In the discharge " of police functions almost every thing must depend on the zeal and energy " of the agents employed; but situated as they now are, with little to stimu- " late their zeal or to impel them to exertion, Aumildars, it must be confessed, " are sometimes but lukewarm in the execution of this service. Any extraor- " dinary instance of activity on their part may obtain the Magistrate's appro- " bation, but can produce no solid advantage to them; on the other hand, " their inactivity, however great, will seldom render them liable to a heavier " punishment than that of fine, and the Judge not having the power to dismiss " them, they are almost exempted from one of the most effectual checks upon " neglect of duty, which is the dread of removal from office. The Collector, " on the contrary, has not only the means of inciting, but also of compelling " them to an active performance of their duties. He has often opportunities " of rewarding those whose conduct is meritorious by promotion to offices of " higher responsibility and allowances, and he will at once recommend the " removal of those whose culpable inactivity may render necessary the adoption " of such a measure."

Mr. Chaplin proceeds:* " Yet should the arrangement recommended by " the Court of Directors, of transferring the *duties* of Magistrate from the au- " thority in whose hands they are now vested, be adopted, much of the future " efficiency of the police will depend on the *degree* in which the magisterial " *powers* are, at the same time, made over to the Collector. If, in his magis- " terial capacity, he is not allowed to have the same ample authority as is now " possessed by the Judge as Magistrate, or if, in other words, he is to be in " anywise a subordinate officer of police, appointed merely to be the interme- " diate instrument under the Judge for the apprehension of offenders, then I " think, and I have no hesitation in submitting the free declaration of my " sentiments, that he will prove a very cumbrous and useless addition to the " police establishment. The want of due authority will frequently render his " exertions abortive; and by depriving him of the means of inspiring respect, " his appointment will become of more detriment than advantage to the police " department. The administration of criminal justice, under such a modifica- " tion of the system, will be more tardy and circuitous than before; for all " offenders that are apprehended must, in the first instance, be sent by the " Aumildars to the Collector, instead of going, as they now do, direct to the " Judge. Before the Collector witnesses must be summoned and an inquiry " entered into, without which he cannot judge how far the offences charged " against the prisoners are of such a nature as to warrant their being brought " to the Magistrate's cognizance. Whether the Collector may deem it right " to dismiss the complaint for want of proof to establish it, or whether he may " think it expedient to send it on to the superior Magistrate for his decision, " there will frequently be a difference of judgment as to the propriety of the " step which he has pursued. This discrepancy of opinion will inevitably " tend to occasion a collision between the Magistrate and the Police Superin- " tendent, which will by no means contribute to the advantage of either the " public or police service. Where the Judge and the Superintendent happen " to be fixed at the same station, the process will not certainly be quite so cir- " cuitous as I have above represented; but the probabilities of a clashing of " their authority will increase in an exact ratio with the propinquity of these " two officers, and of their respective establishments of servants. Instead of " being curtailed, which I presume to be an object of the change of system, " the

* Paragraph 4.

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"the business of police will be nearly doubled; for the Superintendent must have a separate set of official servants, independent of that of the Magistrate, which will cause a considerable increase of expense to Government.

"After the most * deliberate consideration that I have been able to give to the subject, I am persuaded that the establishing the Collector as a medium of communication between the Judge and the Aumildars, will prove a very troublesome arrangement, without producing in the slightest imaginable degree any advantage to the police service. I am also of opinion, on the grounds which I have taken the liberty to set forth, that the transfer of *magisterial duties* necessarily involves the transfer of *magisterial powers*, and that the former cannot be efficiently performed without the exercise of the latter. I apprehend, further, that it will be inexpedient to impose upon the Collector the ungracious office of apprehending criminals, without, at the same time, conferring executive authority upon him; and equally impolitic, considered with reference to his respectability as a revenue officer, to reduce him to the subordinate situation of a police agent under the Judge, into which he must of course sink, if he possesses in the same department inferior powers, and is compelled to refer to his principal a great majority of the cases that come before him. In a word, it clearly appears to me, on my perhaps imperfect view of the question, that the change, to be advantageous, must be complete; that the full magisterial *powers* must go hand in hand with the magisterial *duties*, or that they should remain altogether as they now are under the Judge.

"There† are a few considerations which may, perhaps, dictate the expediency of continuing to the Judge, as Magistrate, his present powers, within the limits hereafter to be defined of the station at which the court is holden. The principal of these is, that, as local Magistrate, he must have magisterial authority to maintain a proper discipline within the jail, the care and management of which must, I imagine, still rest with the Judge; for if transferred to the Collector, the arrangement would in many instances occasion considerable expense to Government, inasmuch as it would become necessary, either that a new jail should be built at the stations of the Collectors (which are, in many collectorates, at a distance from those of the court), or that new cutcherries and treasuries should be erected for the Collectors at the court stations. Another consideration is, that the constant residence of the Judge at the principal town of the zillah would enable him to conduct the police of the station more effectually than could be done by the Collector, whose avocations must often lead him to distant quarters of the zillah. For these reasons, I would beg to recommend that the Judges should, *quatenus magistrates*, possess a limited local jurisdiction.

"It‡ may probably be objected to the proposed change of system, that Collectors ought not to be entrusted with magisterial powers, because they may be improperly exercised for revenue purposes. To this objection I can only reply, that the line between the two offices appears to me to be so distinctly d[rawn], that it cannot be easily transgressed: should any irregularity of th[e] sort occur, Government will not find it a difficult matter to provide a re[me]dy. The bare possibility of power being abused is no good argument against the use of it; for under such a mode of reasoning, it might be equally objectionable to entrust executive *magisterial* authority to the *judicial* officers, who now possess it."

Mr. Ross observes, § "I have already stated that it would be desirable, could it be done, to have a separate officer to perform the duties of Magistrate, but that not being practicable, those duties must be entrusted either to the Judge or to the Collector. That there are objections to entrusting the powers of Magistrate to one who is so immediately interested in, and responsible for the due realization of the revenue, as the Collector is, I am fully aware; but I am by no means satisfied that they are stronger than those which exist against putting those executive functions into the hands of the very person whose duty it is to check and control the abuse of them; and it is a subject that will admit of much discussion, whether the abuse of "magisterial

* Paragraph 5. † Paragraph 6. ‡ Paragraph 7. § Paragraph 9.

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" magisterial power will not be better checked by being kept in the hands of a
" separate person, even though that person be Collector, than by being en-
" trusted to the very officer whose duty it is to administer that restraint and
" check, but whose credit and interest are thus concerned in concealing, in-
" stead of bringing to light and punishment, the abuses in the department.
" There will, in the one case, be a real appeal from the acts of the Magistrate
" to the Judge; in the other, there is none, or at least, what is equal to none;
" for an appeal to the individual who has done the injury against his own act
" hardly deserves the name,* and it would be difficult to persuade the natives
" of India that, in such a case, there is any appeal at all."

Mr. Grœme observes:† " At a time that it is proposed to deduct from the
" power of the courts of circuit, in order to strengthen the hands of the Magis-
" trates, it can hardly be thought necessary to transfer the magisterial depart-
" ment to Collectors with impaired authority. They should be permitted to
" exercise, at least, the full powers at present vested in the Judges as Magis-
" trates, or the system cannot be expected to be efficient.

" I‡ cannot say that I correctly comprehend what would be the distinct
" duties of the police, and what of the magisterial department, if the two were
" separated and divided between the Judge and the Collector; but I sup-
" pose them to be that the Collector is to have the power of causing of-
" fenders to be apprehended, whom he must send to the Magistrate, who
" will punish or commit them to trial, as the case may be. In such an ar-
" rangement there would be the inconvenience of multiplying the channel of
" communication in the progress of an affair towards the Magistrate's Court;
" and any order or recommendation arising out of the investigation of the
" case, which the Magistrate might think it necessary to give, would be less
" efficiently executed in having to take the same circuitous course.

" On§ the transfer of the police department to the Collector, the Judge
" would have no establishment under his orders in the interior, to carry into
" effect any measures which would still rest with him as Magistrate, respecting
" affrays punishable only by him, the regulation of weights and measures, re-
" pairing of roads, and other affairs, which it is difficult to define to what de-
" partment they ought to belong, unless the Tehsildars, who, I presume,
" are to be the police darogahs, should be made subject to their direct au-
" thority as well as to the Collectors, an inconvenience which it is desirable to
" avoid."

Mr. Warden observes:‖ " The magisterial powers, in every view of the
" subject, should I think, remain as they now are, distinct from the revenue.
" Vesting both in the same person would subvert that controul which is indis-
" pensable to good government.

" Vesting¶ the Collector with the superintendence of police, as proposed by
" the Honourable the Court of Directors, with limited powers of punishing
" petty offenders, appears to be an arrangement which might be introduced
" with the best effect. In exercising the power of punishing petty offences,
" the Collector's proceedings might be liable to the superintending controul of
" the courts of circuit. Much of the present police establishment, particu-
" larly the thannah stations, might be done away, and more facility would
" be ensured to the collection of the revenue. It would do away those clashings
" of authority which now prevail, and which the refractory avail themselves of,
" to the serious detriment of the revenue: it will give time to the Judge and
" Magistrate to devote fuller and better attention to the more important parts of
" his magisterial and judicial functions."

Mr. Hepburn observes:** " In respect to the first point, that of vesting the
" whole magisterial duty in the Collector, I have no hesitation whatever in
" saying that, as far as my opinion goes, I consider it quite impossible for the
" Collector to undertake so important and laborious a department in addition
" to

* Note by the Board. " It has escaped Mr. Ross's recollection that there is an appeal to the
" court of circuit from the acts of the Magistrate."

† Paragraph 3. ‡ Paragraph 4. § Paragraph [illegible]. ‖ Paragraph 2.

¶ Paragraph 3. ** Paragraph 2.

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" to his own. The extent of the Collectorates is in general so great, and the detail of collecting the revenue has been so much increased since the universal introduction of the courts, as to afford, in general, ample employment to the Collectors in the performance of their own proper duties. The simple collection and administration of the revenue, however, as the Board well know, by no means comprehend the whole of a Collector's duty, which is so multifarious as to connect him with almost every public department and office in the civil branch at Madras, besides many of those belonging to the military department likewise. In this respect, the situation of Collectors is generally changed of late years. I recollect when I was first appointed an Assistant in the Revenue department, the Collector, under whom I was employed, had only the Board of Revenue to transact business of all kinds with: his accounts were all forwarded to them, his cash remitted to their treasury, and excepting an occasional letter to Government or to the officers commanding stations, his whole correspondence * was confined to that with the Board of Revenue alone. Since that time, however, the number of departments with whom the Collector is connected in business is very greatly increased, and I annex a list of more than twenty different heads in the margin,† and some of them very numerous in themselves, with which I find a correspondence is conducted by this office, independent of Government and the Board, and of the numerous miscellaneous letters which so extensive a charge must give rise to. The very superintendence of this English correspondence, together with the greatly extended size of the collectorates, will shew that there is already full employment for a Collector's time. But, even if it supposed that the Collector's exertions are not entirely required in the duties of revenue, there still appears another and a great objection to constituting him sole Magistrate, which is, that his present avocations produce such very unequal demands upon his time and attention, that he can never reckon upon either of them with sufficient certainty to allow so important a department, and one in which delay is so dangerous, to be superadded to his present functions. There is no doubt but that, at some seasons of the year, the mere business of the revenue does not afford entire occupation to a Collector; but then, at other times, it is sufficient to engross the whole of his attention, and that, too, sometimes for months together, and in such a manner as to make it impossible for him to divide his mind between it and any other branch of the service. I know well that, in the district, there is a period of several months in the year, which commences with the payment of the heavy kists and lasts till they are all collected, the annual repairs made, and till the advances are arranged and the next year's cultivation is fairly commenced, when it would be quite out of the Collector's power to superintend the magisterial department in addition to his own, and the revenue duties are at no time of a nature, but particularly at that important period of the year, to allow of their being delayed. Each must be provided for at its own proper season; and if, through delay, this opportunity passes away, the occasion is for ever lost, and public disadvantage inevitably ensues. What then would become of the magistrate's duty? It must either be neglected or the revenue must, and they are both of too important a nature to be placed in a predicament where the neglect of one or other must ensue. Besides the usual duties of a Collector, he is frequently called upon for the performance of extraordinary ones, as from being connected with so many departments, he is considered more or less to belong to all, which renders him constantly liable to calls of this nature that likewise bear very unequally upon his time, and make it impossible for him ever to be able to reckon upon it at any period " with

* Note by the Board of Revenue. The public correspondence of Collectors has no doubt greatly increased of late years, but with some of the departments enumerated above the correspondence is very limited.

† " The Accountant-General, Civil Auditor, Sub-Treasurer, Postmaster-General, Government Lottery, Stamp Office, Commissariat Department, Mint Committee, Pension Fund, Judge, Assistant Judge, Magistrate, Register, Political Resident, Commercial Resident, Paymaster, Surveyor-General, Superintendent Tank Repairs and Estimate, Commanding Officers, Vaccinators, Collectors of sea Customs at all the Ports, Collectors of land Customs in all the Provinces, Post-masters in all the Provinces, Detachments marching, Import Warehouse-keeper."

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"with certainty, and for that reason rendering him an improper person to be "sole Magistrate.

"Although,* for these reasons, I am of opinion that it would be impracticable to place the entire charge of the magistracy in the hands of the "Collector, yet I think, if he could be made an acting magistrate as well as "the Judge, it would be an arrangement highly beneficial to the country at "large; for although the Collector cannot command his time with sufficient "certainty at all seasons, to enable him to undertake the whole duties of Magistrate, yet there are many valuable hours, in the course of the year, which "he might dedicate to that object with great public advantage, and particularly "in repressing the lesser offences, the sufferers from which often grudge the "expense, trouble, and delay of resorting to the Magistrate's court to procure the punishment of the offenders. This description of duty could be "particularly well performed by the Collector and his assistants, especially "during their frequent tours through the districts; and their being Magistrates, and thence having authority to inquire into the state of society, would, "by this considerable extension of European agency, be productive of very "happy consequences to the community at large. So far, I think, the execution of the plan would be highly advisable; but to carry it to its full extent "appears to me impracticable, without risking injury to the two far most important branches of the civil administration.

"This subject,† I conclude, refers also to the proposed plan of placing the "police under the Collector, to which the same objections will equally apply "as those relating to the magistracy. Without some guide as to the nature "of this plan, it is difficult to be able to say much about it; but I cannot help "fearing, if the Collector is constituted Police-master, without being at the "same time entrusted with the powers of Magistrate, it will place him and "his establishment in a very inefficient situation, and will leave him with a "most important duty to perform, without affording him the means of discharging it satisfactorily. The authority which the agents of police possess, "and which enables them to execute their functions, is from being at the same "time the Magistrate's officers: if these two are separated, the Police-master "will be left without the power of enforcing any of his orders, and his subordinates will be liable to prosecution for the most ordinary discharge of their "duty, which, as officers of the Magistrate, they would be fully justified in "so executing. If the Police-master is to be permitted to commit offenders "for trial, it would seem that he might be entrusted with the whole authority "of a Magistrate, if this most important branch of it is confined to him. "The duties of the police and the magistracy are so nearly allied, that it appears almost impossible to separate them, without rendering the police totally inefficient. To conduct the duties of it at all, the power of apprehending persons, and the powers of restraint till examination, must be invested in that officer; and this power of personal restraint is a high branch "of the magisterial office, and is so indispensable to the other department, "that, without it, it could not exist. It is to be presumed, therefore, that "to this extent the power of the Magistrate must, of necessity, be assigned "to the Police-master."

Mr. Lushington very justly observes‡: "It is not, I am sure, saying "too much, that the interference of judicial authority has frequently been "beneficially interposed between the inhabitants and the Revenue servants. "The Collector and his servants are naturally anxious to collect the revenues, and cannot view a matter at issue between themselves and the Ryots "with that dispassionate coolness which a magistrate would do, without any "interest in the question at issue. It is true that the Revenue officers might "not abuse their trust, and use their police powers in collecting the revenue; "but it is by no means impossible, or indeed improbable, and therefore ought "to be guarded against by the legislature."

Mr. Fraser observes:§ "In the district under my charge the Magistrate's "department is so limited, in comparison with what is the case in other collectorates, that inconvenience would not be felt by the transfer thereof to "the

* Paragraph 3. † Paragraph 4. ‡ Paragraph 9. § Paragraph 2.

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" the Collector's department, in the same degree that would probably arise " in other places, where the case is different; nevertheless, as it must be ad- " mitted that there is more business of a nature directly revenue than the " Collector can easily undertake, while there happens to be very little duty in " general in the zillah court, it is apparent that the transfer of the whole " duties of Magistrate to the Collector, would obviously overload an office " already sufficiently occupied without any apparent necessity. I have al- " ways been of opinion, that the Collector ought to be invested with a certain " portion of magisterial authority, to be exercised more particularly in parts " of the district at a distance from the ordinary range of the sitting Magis- " trate; but it seems to me, that if sufficient power is vested in him to carry " on the police duties, as is now in contemplation, it will be better that the " functions of Magistrate remain, as now, in the hands of the zillah Judge."

Mr. Hargrave observes:* "In the first place, I take the liberty to state " that, independent of my revenue duties, which would not allow me to exe- " cute, in a satisfactory manner, those of a Magistrate, a great obstacle to the " proposed transfer seems to offer itself in the very unsettled state of a Col- " lector's residence. His occasional visits to different parts of the collectorate " would cause a very inefficient discharge of magisterial functions; or, if " those were properly attended to, he would be obliged to neglect his duty as " a Revenue officer."

Mr. Peter states:† "As your Board must be so well acquainted with the " numerous duties which at present call forth the attention of Collectors, it " would be needless for me to point them out; I shall, therefore, only offer " it as my opinion, that they are of such a nature as to render them unable to " undertake the whole of the duties of a Magistrate, as vested in him by the " Regulations, without neglecting some of those which now require their con- " stant consideration."

51. These quotations furnish the principal arguments used by the Collectors, for or against the transfer of the Magistrate's powers and duties to Collectors; the Board have, therefore, inserted them in the body of their proceedings.

52. In the Northern Circars, where the land Revenue is permanently fixed, and collected with a facility not experienced in other districts, Messrs. Spottiswoode, Smith, T. Oakes, H. Oakes, and Russell, recommend that the duties of Magistrate and of Superintendent of police should be transferred to them. Mr. Russell states, however, that the town and large pottahs at Masulipatam will furnish exclusive employment for one Magistrate, and that separate provision must be made for the discharge of Magistrates' duty in that place, in the event of the transfer, either by continuing the present Judge as Magistrate, or appointing the Collectors' assistants local Magistrates.

53. The collector, as Superintendent of Police only and not Magistrate, would, some of the Collectors apprehend, be responsible to two authorities, the superior criminal courts and the Board of Revenue. The Board do not, however, consider this circumstance to afford valid objection to the measure.

54. It will be found that some Collectors think it advantageous that a Magistrate should move about the district, or rather think that a Collector moving about, and having authority to act as Magistrate, would prove a great benefit to the people.

55. The Board are not aware of any advantage to be derived from an itinerant magistracy, that would not be better obtained by a fixed station for the office: but to increase the number of Magistrates would, no doubt, be a great advantage, particularly where the range of a Magistrate's limits are so extensive as to require persons to travel, in some instances, from one hundred to one hundred and fifty miles. It will, of course, be for the Governor in Council to decide whether Collectors shall have Magistrates' powers, and Judges shall be deprived of them, or both shall act as Magistrates.

Heads

* Paragraph 3.

† Paragraph 2.

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Heads of Villages to be made Potail, and employed in deciding Civil Suits, in discharging certain Magistracial Duties, certain Police Duties, and in the Ryotwar Villages in performing certain Revenue Duties, and to perform their Duties without Remuneration.

56. The Board are aware that in the Ceded Districts of 1792, now denominated the Zillah Salem, as well as in the Ceded Districts of 1800, now the Zillahs of Bellary and Cuddapah, and in Coimbatore, the practice has been established for the Collector to select one or more of the inhabitants of each village to be the officiating Potail or Potails, and to pay him or them from the revenues of certain lands assigned by the native government in enam tenure to the heads of villages collectively. Whether the making that tenure a special service tenure of one, which was a general tenure of all, is an innovation or not, it is perhaps now difficult to determine; but the Board believe it to be matter of fact, that from Ganjam to Cape Comorin, east of the Ghauts, the word "Potail" is not known, and that the office, as vested by authority exclusively in one person, does not exist. In some of the districts enumerated, the enams held by the head inhabitants have been resumed, added to the land revenue, and the equivalent has been annually disbursed as monthly pay to the selected Potail, who has thus become, to all intents and purposes, a stipendiary officer of the Collector.

57. The duties performed by Potails, in the districts above-named, were performed, prior to the introduction of the ryotwar system into the Carnatic, by Monigars, Turcufdars, or Parbuttees, officers appointed and paid by the Government, and are so performed at this day in the zillah of Chingleput, and in all the alienated villages of the Carnatic. The enams held by heads of villages were not resumed, and were not considered, the Board have reason to know, as held on the sole condition of performing *precise* revenue, police, or judicial duties:* They were considered as held in virtue of a right derived as descendants of the first settlers of the village, as an acknowledgement of a superior or preferable right of occupancy, and as some remuneration for the performance of the general municipal duties of the village. These municipal duties are various, and often unconnected with the services due to Government. In Tinnevelly, the Collector states that the inhabitants never performed police duties; and this the Board believe to have been the case in Trichinopoly.

Mr. Hepburn, the Collector in Tanjore, observes †: "It may not, perhaps, "be considered irrelevant to the general subject of the proposed changes, to "state in this place, that one of the principal of them, and one from which "great results seem to be reckoned upon, must have been framed upon a "state of things considerably different from that existing in this province: I "mean the civil and criminal powers to be vested in persons denominated the "Potails, and in the Curnums of villages.

"From ‡ the best information I have hitherto been able to obtain upon this "subject, I cannot find that there exists now, or ever did exist, such a per-"sonage as a Potail. The Board know that the whole of the land in this "province is private property, murassee. In some cases the whole of the "lands of a village belong to one person; in others they are divided into from "two shares to five hundred in a village, each the property of a separate in-"dividual, all of whom have a direct and common interest in the village, and "claim an interference in the administration of its affairs. Of the first de-"scription of villages there are 1690, in which the sole Meerassadar, doubt-"less, has a considerable degree of authority, and he might perhaps be got to "exercise the functions expected of a Potail. Of the latter description there "are

* Note in Mr. Fraser's diary for August of the 14th day.—"A Tehsildar requests to know "whether he ought to put in the statement, as required by Colonel Munro, the names of the whole "inhabitants who are enjoying the enams allotted to the head inhabitants, or those only who "were nominated by the circar as head inhabitants." In answer, the Tehsildar is directed to put in the statement the names of the appointed head inhabitants, and not any other.

† From Mr Hepburn, 23d May 1815, paragraph 17.

‡ Paragraph 18.

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" are 3134 villages; but in what manner is the system to be conducted in " them? Hitherto the Meerassadars have all been upon an equal footing " with each other: and even if the difficult point was got over, of selecting " which amongst them is to be constituted Potail, how can it be expected " that these persons, who till now have stood upon a footing of perfect equa- " lity with him, will submit quietly to his authority, which he will, of course, " exhibit to them in the most offensive manner, that of assuming the entire " controul of the affairs of the village, in the management of which they have " hitherto borne as great a part as himself? and if any authority is attached " to his office, there can be but little doubt that it will be exercised in the at- " tainment of the object of all others the most gratifying to his feelings, that " of being undisputed superior in his own village. From what is known of the " disposition of the people here, there can be little difficulty in saying that " they never would patiently submit to the controul that is proposed to be " vested in one of their own body, and still less will they submit their causes " to arbitration, if money or time can procure either another tribunal or delay " in the settlement of them. As little would they consent to the interference " of the Curnum in their disputes. These officers must be on a very different " footing here from the one contemplated in the plan; as, so far from having " any thing like an influence amongst the Meerassadars, it is but very lately " that they were their own servants: and it is one of the most difficult tasks " to get the Curnums to consider themselves as officers of Government, and " to do their duty independent of the Meerassadars. It can only be in a " country in a much more backward state of civilization than this, where the " Curnum is of the consequence contemplated in the proposed system; there " his knowledge of accounts, and the dependence which the generality of the " inhabitants must have upon him, from their ignorance of reading and writing, " gives him a degree of consequence, which in such a province as this, inha- " bited principally by Bramins, all of whom can read and write, does not be- " long to him. His acquirements in these particulars impart no importance to " him here, and he consequently falls into his own proper place in society ac- " cording to his caste; which being generally a Suder, places him in a rank " far below that of the Meerassadars, when they happen to be Bramins, which " the greatest proportion of them are. They would, therefore, scorn the idea " of having their affairs and disputes investigated and decided on by a person " whom they consider as so much beneath them in every respect."

" Some little difficulty," says Mr. Sullivan, the Collector in Chingleput *, " may appear to present itself at first to the introduction of the new system of " police into this zillah, from the situation of the Meerassadars. There is no " description of person amongst them answering exactly to the Potail or " Reddy of the neighbouring countries. Each village, however, has managers " (Prevuttah †), who are entrusted with the entire control of its concerns, and " who are remunerated by the body of Meerassadars for all expenses that may " be incurred by them on the public account. In some of the villages, the " village enams are occupied entirely by the managers, to the exclusion of " the other meerassadars. The number of managers in the larger villages, is " generally four, sometimes five; in the smaller, three, two, and occasionally " one.

" The management of some of the villages was held by the ancestors of " those who at present have the authority, and who derived it either from " their possessing the largest shares in the lands, or by appointments from the " Circar; in others, when there is an equality in the shares, the managers " are selected from their superior intelligence and ability.

" There will be no difficulty in selecting one or two persons in every village " from amongst these managers, to fulfil the duties which are to devolve on " the heads of villages in other districts. Nor do I imagine that such a pro-
" ceeding

* From Mr. Sullivan, in zillah Chingleput, 26th June 1815, paragraphs 19 to 28 inclusive.

† Note by the Board of Revenue.—Supposed to mean Parbutty. The Parbutty appointed by Government is paid by the inhabitants, so long as the village remains under Aumanie. When rented to the inhabitants, they may either employ a servant of this nature or manage the concerns themselves: the Government does not interfere.

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"ceding would create jealousy in the minds of the other inhabitants, provided the appointments are made by the Circar, and the proportion of fees "to be attached to the office regulated by the same authority.

"In villages where the lands are divided nearly in equal proportions between Brahmins and Shudras, it will be necessary that one of each caste should "be appointed to conduct the duties of the headship.

"It is in the knowledge of the Board that, long previous to the constitution "of the courts, people were in the habit of resorting from all parts of the "Deckan to Conjeveram, for the purpose of obtaining decisions upon important causes concerning castes, inheritance, marriage, adoption, &c. from "the learned Shastrees who were assembled there by orders from the Aumildars as punchayets.* The numbers of people qualified for taking cognizance of disputes of this kind is not at all diminished, and perhaps the "revival of their powers, under judicious Regulations, might be made productive of extensive benefits."

"In this district," says the Collector in Tinnevelly,† "the head inhabitants "and Curnums do not appear hitherto to have had any concern in the police "of the country. The cavel system was formerly established here; and the "Poligars, now Zemindars, were the Cavelgars, having the assistance only "of the Talliars in the villages, and being made pecuniarily responsible for all "robberies committed within the limits of their respective cavels."

"Independent of assisting to collect the village rents, the Potails," observes the Collector in Canara,‡ "adjust the proportion of supplies, whether of "coolies or provisions, required at any time from their villages, and attend "upon the Shanbogues, when necessary, to assist them in forming their accounts, being naturally well acquainted with the cultivation of their villages. "They likewise attend, at the period of settlement, both by Tessildars and "myself, to afford any local information wanted. These are their principal "duties; nor would it be practicable, under the ryotwar system obtaining "in Canara, to form or collect the settlement without them. There is likewise an inferior, but most useful description of people, called Oogranies, "subordinate to them, who assist both the Shanbogues and Potails in all their "duties: Of these there are generally one, and sometimes two in every "Mogani.

Sic. orig.

"The Shanibogues are paid from four to ten rupees monthly, in proportion "to the amount collected by each, or about one and a quarter per cent. The "Potails are paid by a per-centage also upon their village rents, of seven-ninths per cent., varying from half a rupee to twenty rupees annually, but "averaging in bekul nine rupees and a half. The Oogranies receive from "one to three rupees monthly. Neither of these people received any fixed "pay during the Sultaun's government; but as the Asophs and Aumildars "could not do without them, they were always privately supported by contributions permitted to be made for them. They were, besides, always "favoured in their rents, and exempted, in a great measure, from various "burthensome duties exacted of the other inhabitants.

"Most of the Shanbogues in the four northern Talooks claim their appointments as hereditary; but the number of these to the southward of Onore "are much fewer. This descent of duty is not found to impede the public "service, for when the incumbent, from youth, age, or any disability, is unable to discharge the duties, a deputy is constantly employed, who shares in "the pay while acting. Under the Sultaun's Government, many wishing to "become Shanbogues paid a nuzzar for it, and even now the situation is in "general eagerly coveted; but that of Potail seems to be held in less estimation. Many instances can be adduced of Potails in Canara throwing up their "situation.

* Note by the Board of Revenue.—These references, the Board have reason to believe, were confined to matters of importance, connected with religion, caste, marriage, &c. and has little to do with the ordinary administration of justice.

† From Mr. Cotton, 28th July 1815, paragraph 7.

‡ From Mr. Read, 15 November 1815, paragraphs 3 to 5.

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" situation, proceeding, I imagine, from the following causes. In our early " settlements it was soon discovered that the rent of almost every Potail was " much lower than those of the other Ryots, which, though justifiable in former " times, when subjected to various exactions and burthensome duties, was no " longer so under our Government, and they have all, in consequence, been " gradually raised to the common level. It was, likewise, found that, in all " village supplies, they evaded contributing their personal share either of pro- " vision or coolies, throwing all the burthen on the other Ryots."

58. The ryotwar system was first introduced in the western countries above the Ghauts. It originated with Colonel Read in the Ceded Districts of 1792, now the Salem and Baramall districts, and was not attempted to be introduced below the Ghauts till 1801.

59. It is not material here to enter on a question of such intricacy as the right of Government to appropriate the whole of the enams belonging to the head inhabitants, or inhabitants generally, to the payment of one or more head inhabitants, selected to perform the duties of native Judge, Magistrate, native Superintendent of Police, and native Collector: neither do the Board doubt the practicability of procuring an inhabitant of each village to undertake these offices. They doubt the justice, they question the right of Government to appropriate to this person, exclusively, privileges and immunities long enjoyed conjointly with others. It should also be recollected, that the decisions passed on this question by the Revenue Authorities have been the result of their own interpretations, from which an appeal can hardly be said to have existed. Be this as it may, there is little reason to doubt that the offices will be readily undertaken, even gratuitously: but how far it will be prudent to grant such powers to persons, either not paid at all, or not adequately paid, so as to place them be[illegible]mptation to betray their trust, is a question for consideration in anoth[illegible]ment. In Coimbatore, the office of Potail has recently been stated to [illegible]n *actually purchased*: if so, it must have advantages independent o[illegible]ns, or pay in lieu of them. Indeed, experience has shewn that, when [illegible]ve is vested with power, he will very generally convert that power [illegible]s of procuring private emolument. The very general and too n[illegible] of corruption brought against arbitrators, prior to the establi[illegible]h courts, and the strong objections still entertained to that mode [illegible] may be taken as evidence of this fact; and Mr. Ravenshaw's stat[illegible]luded to by the Honourable Court of Directors, respecting the op[illegible]s committed by head inhabitants on the inferior Ryots, if correct to th[illegible] extent, must be admitted as further evidence of the abuse of the power [illegible]o vested in head inhabitants, and its perversion to purposes of fraud, i[illegible]ustice, and private gain.

60. To conclude: if the duties of Superintendent of Police can be so defined by Regulation as not to interfere with the duties of Magistrate; if the Magistrate can be restricted from interfering in the details of Police; if adequate powers can be given to Collectors to conduct the duties of police in an efficient manner; the Board are of opinion, that the duty of superintending the police only should be transferred to Collectors. That duty, in addition to the various other duties required of Collectors under this Government, will occupy their whole time in most districts, and require that they should always have the aid of one, and in some districts of two European assistants.

61. The Board conclude, that it will be determined in the Judicial department, whether it is necessary or expedient to grant to Collectors, as Superintendents of Police, any of the powers at present exercised by Magistrates. Many of the Collectors, it will be observed, argue strongly in support of the necessity of their being Magistrates, as well as Superintendents of the Police of their respective districts, in order to enable them efficiently to perform the duties of Superintendents of Police.

62. The Board consider it proper to call the attention of Government to the observation, made by Mr. Grœme, in the twenty-second and following paragraphs of his report, on the subject of punchayets, and the administration of civil justice under the present system.

63. In

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68. In the reports of Messrs. Chaplin, Ross, Grœme, Lushington, Hepburn, Cotton, Warden, and Sullivan, will be found various detailed information, which the Board have not considered it necessary to notice more particularly.

(True Extract.)

(Signed) J. HANBURY,
Secretary.

See Table of Judicial Charges and Receipts annexed.

ORDERED, That the foregoing letter do lie over.

Dr. *Cr.*

Districts.	Courts.	Establishment.			Contingent.			Total Judicial.	Police Establishment, &c.	Total Judicial and Police.	
		[illegible]	[illegible]	[illegible]	Contingent.	[illegible]	[illegible]				
To Judicial Charges.		S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.
Presidency	Sudder Adawlut	40,303 42 3	–	11,189 12 21	207 37 46	–	–	51,707 3 23	–	51,707 3 23	
Ganjam	Zillah	9,300 0 0	–	4,648 0 4	242 43 72	349 30 15	740 [illegible]	15,090 32 63 / Sebundy Corps	3,826 44 23 / 10,918 15 12	29,907 44 40	
Vizagapatam	Zillah	11,000 0 0	300 0 0	4,424 0 0	1,809 23 12	982 9 6	4	18,518 32 18	5,823 19 16	24,342 6 24	
Rajahmundry	Zillah	9,300 0 0	1,278 0 26	5,604 0 0	340 35 32	1,296 42 42	1,710 [illegible]	19,400 6 63	2,830 0 0	28,240 6 63	
Masulipatam	Zillah	10,283 11 50	635 35 20	5,704 26 66	310 11 25	964 25 34	64 [illegible]	–	1,072 50 73	66,021 5 9	
	Northern Circuit	12,462 16 57	360 0 0	7,408 24 42	303 44 41	–	47 [illegible]	64,346 19 16	–		
Guntoor	Zillah	10,932 37 35	1,234 25 60	4,206 0 60	258 2 2	530 6 1	267 [illegible]	17,331 15 33	4,536 12 60	21,867 28 13	
Nellore	Zillah	9,300 0 0	1,277 41 20	4,924 0 0	546 35 5	879 10 15	496 [illegible]	17,706 2 78	4,004 0 0	21,710 2 78	
Chingleput	Zillah	10,673 29 74	1,349 41 20	4,999 22 26	418 3 10	1,800 37 12	700 [illegible]	19,257 31 67	14,235 37 73	33,493 24 66	
N. Div. of Arcot	Do. at Chittoor	10,300 0 0	300 0 0	4,368 0 0	2,539 9 4	1,555 27 4	586 [illegible]	–	16,130 1 64	85,201 33 12	
	Centre Circuit	10,542 6 1	5,003 23 0	3,318 42 0	1,311 41 15	–	23 [illegible]	68,401 37 11	–		
S. Div. of Arcot	Zl. at Verdachellum	9,751 30 0	1,277 41 20	3,839 23 9	163 31 29	645 3 28	160 [illegible]	15,838 43 25	14,499 44 42	30,337 42 78	
Bellary	Zillah	9,300 0 0	300 0 0	4,916 0 0	851 27 50	2,274 25 16	1,530 [illegible]	19,670 25 63	16,694 35 60	31,315 5 40	
Cuddapah	Zillah	10,228 19 13	1,277 41 20	5,303 1 50	1,208 2 13	4,998 36 40		22,001 26 56	22,985 23 44	45,086 4 73	
Salem	Zillah	14,300 0 0	1,277 41 20	6,301 0 54	3,706 33 75	3,205 8 14	–	28,538 2 8	9,025 37 58	37,060 39 62	
Coimbatore	Do. at Dharapooram	9,300 0 0	1,277 36 0	4,800 1 60	822 36 0	1,673 9 54	393 [illegible]	18,300 29 42	7,357 7 40	26,067 37 5	
Seringapatam	Ditto	8,000 0 0	300 0 0	3,065 0 0	–	807 36 73	–	11,833 43 73	1,327 36 42	13,630 29 41	
Tanjore	Do. at Combaconum	10,250 0 40	1,277 41 20	7,009 39 54	508 58 2	1,334 0 17	86 [illegible]	20,383 41 15	39,366 25 52	59,949 34 67	
Trichinopoly	Ditto	9,935 18 13	–	4,782 0 0	445 18 28	2,333 33 50	2,481 [illegible]	–	8,939 37 40	72,792 17 16	
	Southern Circuit	15,442 37 40	360 0 0	7,538 36 60	58 1 51	17 25 40	68 [illegible]	63,853 24 34	–		
Madura	Zillah	11,982 45 52	1,319 0 26	5,595 0 0	4,303 19 54	376 1 [illegible]	[illegible]	25,383 43 67	11,201 0 0	[illegible]	
Tinnevelly	Zillah	9,300 0 0	1,267 41 20	4,496 0 70	2,201 13 22	1,734 35 72	118 [illegible]	20,239 30 55	4,460 36 43	24,649 29 67	
Malabar	Do. at Tellicherry	4,650 0 0	–	4,042 35 0	2,233 35 15	386 70 60	3,285 [illegible]	–	9,061 0 0	–	
	Do. at Angadipuram	14,420 0 0	1,071 33 20	5,200 0 0	1,234 13 34	8,779 43 24	423 [illegible]	91,284 5 71	10,314 22 13	1,13,[illegible] 37	
	Western Circuit	20,088 0 0	2,234 0 20	5,401 30 0	135 7 59	–	–	–	–	–	
Canara	Zillah at Mangalore	9,737 18 56	1,277 41 20	5,286 0 0	673 37 86	1,680 25	3,296 [illegible]	21,239 30 31	8,967 26 13	30,213 19 44	
		3,14,489 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2,35,[illegible]	–	8,31,008 43 77
To Balance											2,14,608 16 24
										Star Pagodas	10,45,616 15 31

Memorandum.—Sudder Adawlut 51,707 3 23
Circuit Courts ..... 1,35,[illegible] 7 0
Zillah Courts ..... 4,35,535 10 54—[illegible] 25 77
Police ..... 2,35,[illegible] 20 0—8,31,008 43 77

Districts.	Fees, &c.	Judicial.			Police.			Total Judicial and Police.	
		[illegible]	[illegible]	Total.	[illegible]	[illegible]	Total.		
By Judicial Receipts.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.	S. Pags. F. C.
Madras	–	–	–	–	–	312 25 0	312 25 0	312 25 0	
Ganjam	569 36 25	316 41 [illegible]	61 0 0	[illegible] 32 71	–	–	–	939 38 71	
Vizagapatam	1,259 18 46	280 21 [illegible]	–	1,540 5 72	–	–	–	1,540 5 72	
Rajahmundry	1,040 1 6	492 21 [illegible]	–	1,533 23 16	–	–	–	1,533 23 16	
Masulipatam	2,660 27 46	1[illegible]	1,770 33 45	[illegible] 37 18	–	–	–	[illegible] 37 18	
Guntoor	90 22 74	28[illegible]	–	379 31 31	–	–	–	379 31 31	
Nellore	485 41 22	117 25 [illegible]	34 36 22	638 12 61	–	–	–	638 12 61	
Chingleput	1,409 27 25	1,195 13 72	835 0 0	3,440 7 18	54 25 56	2,580 0 0	26,634 13 16	30,457 43 78	
N. Division of Arcot	2,589 2 12	301 12 [illegible]	2,5 1 50	3,415 13 09	–	32,321 14 57	32,321 14 51	35,833 30 7	
S. Division of Arcot	825 34 6	600 54 30	0 37 08	1,424 41 [illegible]	–	10,062 12 00	10,062 37 35	11,317 25 31	
Bellary	1,009 42 6	508 10 72	32 16 25	1,567 42 26	–	42,196 21 11	42,085 21 11	43,132 40 15	
Cuddapah	1,144 24 22	1,038 23 22	302 26 10	2,439 12 28					
Salem	728 18 38	138 11 [illegible]	–	867 21 73	–	2,719 25 40	2,725 23 40	3,590 0 13	
Coimbatore	326 15 50	520 35 [illegible]	4 36 0	714 25 37	–	–	–	714 25 37	
Seringapatam	237 29 77	58 25 [illegible]	–	285 4 55	4,673 41 45	2,525 11 0	4,207 11 21	4,884 10 43	
Tanjore	1,378 24 20	606 25 76	1,505 0 0	4,359 5 17	–	37,245 0 50	37,245 19 50	40,338 38 73	
Trichinopoly	2,040 19 75	982 25 [illegible]	118 3 0	3,048 0 20	–	–	–	3,063 0 28	
Madura	1,183 31 79	577 19 30	2,217 42 45	3,906 2 63	–	4,095 21 26	4,095 22 26	8,007 26 34	
Tinnevelly	851 30 47	859 24 [illegible]	7 7 22	1,748 21 34	–	37,346 14 22	37,346 14 00	39,094 35 16	
Malabar	5,353 26 76	1,618 21 [illegible]	106 26	6,072 40 13	–	–	–	1,673 44 16	
Canara	1,259 13 31	344 11 22	1,118 42 [illegible]	3,040 9 73	–	–	–	3,040 6 13	
	20,058 14 67	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2,45,469 14 73	

	[illegible]	[illegible]	[illegible]		
By Salt Monopoly	7,88,064 13 2	45,351 [illegible]	7,42,713 17 15		
By Stamps	1,10,617 10 58	7,250 32 17	1,03,366 18 11		
	8,97,3[illegible] 20	52,[illegible] 20 50	–	7,[illegible] 0	10,45,616 15 31
				Star Pagodas	10,45,616 15 31

(Signed) J. HANBURY, Secretary.

MINUTE *of* ROBERT FULLERTON, Esq.

Dated the 1st March 1816.

Mr. Fullerton's Minute, 1 March 1816.

In the preceding Minute I have given my opinion, founded entirely on my own experience and observation in the course of service. It was written before I had the means of perusing any of the reports from the judicial department. The only papers submitted to Government, previous to its conclusion, were the Reports of the Collectors on the transfer of the police, sent up as they came in by the Board of Revenue, and at the close, the Report of that Board itself on the same subject. None of those papers appear to require from me any particular remark.

The opinion of the Board of Revenue coincides with mine, that the transfer to the Collectors of *the whole functions of Magistrates* would be unadvisable, as imposing on them more labour than they could well perform; that the superintendence of police might, with advantage, be made over, provided the two are susceptible of separation. That they are so, I trust I have already proved. On this part of the subject, the transfer of police to Collectors, I have nothing to add to my previous observations.

The report of the Sudder Adawlut on the Regulations proposed by the Commission is now before the Government, which I have attentively considered.

The Commissioners were appointed to carry into execution the modifications directed and suggested by the Honourable Court of Directors. The preparation of the Regulations for that purpose became the first duty of their office; and, in conformity to the established system of Government, it was necessary to transmit them through the Sudder Adawlut, in order that they might undergo the revision of that court and be recorded in the judicial department.

In submitting the Regulations through the channel of the Sudder Adawlut, the object on this, as on all similar cases, was *not to alter the substantial provisions* directed by superior authority, but to amend informalities, to prevent contradiction and incongruities, to see that the necessary revisions and amendments of old provisions affected were made, so that the new might stand in the general code of Regulations; the duty which, it must be presumed, that court, from practice and experience, must be more qualified correctly to perform, than the executive officers of Government in other departments.

In considering the report now before us, I cannot but express my regret to find, from the minute of the Third Judge, that there has not existed that cordial co-operation between him and the First and Second Judges of the Sudder Court, the expectation of which led to the nomination of Mr. Stratton to the joint office of Judge and Commissioner; for although the draft proposed by the Commissioner, like many other drafts, on their first preparation, contains irregularities of expressions and want of arrangement, which required correction, still it appears to me that misunderstandings might have been explained, and many trifling errors might have been rectified, and further discussion, in a certain degree, rendered unnecessary. In the shape, however, in which those proceedings have come before Government, another reference to the Commission has become indispensable; and until their reply is received and considered, Government can proceed no further.

The draft proposed by the Sudder Court being, in respect to form and compilation, more correspondent with judicial precision, should be preferred, and the Regulations forthwith prepared for promulgation, with such alteration in substance as Government may, in their judgment deem fit. For the explanation of my ideas on this point I beg leave to refer to the accompanying paper. (A.) It is unnecessary to enter into particulars here: the alteration will be found to correspond with the reasonings and arguments I have already used. Independently, however, of mere forms of enactment, the Sudder Adawlut have entered into discussion, at some length, on the *general tendency of the alterations* directed, which seem to me to require observation.

The arguments of the Sudder Adawlut may be divided thus: first, as relating to the general incompatibility of the office of Potail and village Judge; secondly,

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secondly, the objections to vesting that office in renters and their servants; and generally, as to the abuse of oaths and forms. Their reasoning is founded on general principles, and in that view is *unanswerable*. If we are, in this case, to be guided by general principles, the whole system must be abandoned.

But it must be recollected we are proceeding on avowed deviation from those principles, in search of a practical good. Our object is to administer speedy and summary justice on petty disputes to the lower order of the people, without expense to them, and without additional charge to Government. The selection of heads of villages as Judges is the only one within our reach, without additional expense, and the dispensation with form, as far as possible, affords the only means of bringing into operation the speedy administration of justice. The appointment of regular native Judges would defeat the end of economy, and the application of general principles and establishment of regular forms would defeat the expectation of speedy justice. We are proceeding much on the same ground on which are established courts of conscience in other countries: courts which act without regular form, record, or appeal, presuming that, when the amount at issue is so small, the benefit of celerity of decision predominates over regularity of form and consequent delay. If the native character were such as to authorize our trusting them with such a summary and uncontrolled administration of justice, forms would, in this case, be unnecessary. As we cannot entirely banish form, we must reduce it, as far as we can do it with safety, preserving it only when indispensable, to oppose, check, and control to the tendency to abuse. We are endeavouring to call into action the ancient institutions of the country, on the presumption that the vigilant eye of European superintendence, and the confidence reposed by natives in appealing to it, will divest the system of those evils and inconveniences that did certainly accompany it where no such superintendence existed. It is on this ground, but not on general principles, that I concur with the Sudder Adawlut in thinking the Regulations proposed by the Commission to be incomplete. They have not sufficiently opened the channel of appeal to admit of the salutary operation of control. It is on this ground that I consider the appeal, not on the merits of the suit only, but on the whole form of proceeding, should be open not to another native, the district Moonsiff, but to the European Judge. The Moonsiff, in the summoning of punchayets and other functions, acts ministerially. A certain rule and mode of proceeding is laid down for him; but without responsibility to abide by that rule, of *what use are its provisions?* If the decisions under his authority are reversible only on their merits, and corruption alone is to bring him before the zillah court, a wide field is open for abuse. He might, for example, appoint the whole punchayet of the least of one of the parties, fine ten rupees instead of five, and confine weeks instead of days. Without appeal against such acts, where is the security to the people against the annoyance thus placed in his power? The oath may, indeed, be dispensed with; but the liability to prosecution, not for corruption only, but for all acts *wilfully done contrary to regulation, whereby any person may be aggrieved*, is indispensable for the due maintenance of that degree of superintendence contemplated by the Honourable Court. In considering complaints against village Moonsiffs, zillah Judges should act on the same principles that actuate the courts in England where justices of the peace are concerned. Due allowance must be made for inadvertent error in form, and penalty enforced only for wilful perversions and injustice.

These remarks I mean to apply only to the observation of the Sudder Court, as they relate to the Potail Naidoo Reddee, or constitutional head inhabitant. In so much as they relate to the powers of Moonsiff being vested in renters or servants of renters (not being head inhabitants), I cannot but agree with them entirely. It never could have been in the contemplation of the Honourable Court, that such a description of people should be employed in the administration of justice. The whole of the arguments of the Honourable Court are founded on the ancient institution of the country: they embrace only the hereditary officers of the village. Such officers being renters does not disqualify them for the office of Moonsiff, although the junction of the two was not in contemplation of the Honourable Court, and they have disapproved of the revenue arrangement that united them. But if the renters under the Collectors in unsettled districts (not being head inhabitants) are objectionable, how much

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much more so must be the renters under Zemindars, and, as the Sudder Court justly style them, their hireling servants? The terms used by the Commission in their draft are general, and much latitude is left with the Collectors for selection; and I confess it did not occur to me, until reading the proceedings of the Sudder Court, that the Commission contemplated making the renters under Zemindars the Moonsiffs. I do not consider that the mere renting of the village destroys the office, or even affects the mauniums or fees of the Potail, any more than it annuls the right of occupancy on the meerassy inhabitants. Because, therefore, a village is rented, it does not follow that the head inhabitant is disqualified from being Moonsiff, for the head inhabitant is still the person whom the village officers will obey. I am aware that, in some villages decennially rented, the Potail's enaum is in part transferred to the strange renter, the emoluments are taken away, and the functions of the office transferred by a direct act of authority: and in those villages, certainly, a difficulty unforeseen by the Honourable Court presents itself; but it is one that I must say, with regret, arises, not certainly against orders come too late, but in contradiction to their intention, and I am afraid against right. I doubt if Government ought not to restore to the Potail the emoluments and the exercise of his office, and rather compromise with the renter, than persist in an arrangement of doubtful legality, and in direct contradiction to the orders of the Honourable Court, and which contravenes the system of judicature directed by them. To conclude this part of the subject: I object to vesting the power of Moonsiff in any person not being the head inhabitant of a village, because such delegation of authority is not sanctioned by the orders of the Honourable Court. Their directions are founded on the presumption of every village having its head inhabitant; and if it be found that, in any district, such a personage does not exist, it must follow that the system is not applicable to that district, and ought not to be abruptly introduced. In all districts where I have ever been, there does, to my knowledge, exist such a description. The doubts I have heard started in other places gave rise to the impression I have often expressed, that a very strict inquiry, as to persons to fill the office, in all districts, should precede the general promulgation of the Regulation. Before Government sanction a legislative enactment, vesting certain powers in a certain description of persons, they should be satisfied by something stronger than tradition, by local inquiry and report, that such are in existence as described.

In the present stage of the proceedings of the Commission, it appears to me to be highly desirable that a precise and distinct line should be laid down by Government for their guidance, and the following I consider to be the course they ought to pursue. A minute investigation ought to be made by them on all the points connected with the arrangements in every district.

The number of villages, and the requisite number of Moonsiffs and heads of village police, should be ascertained; their general character and mode of remuneration; whether they still continue to hold the maunium understood to have been originally attached to the office of head inhabitant; and lastly, whether any and what means are necessary to ensure to them adequate reward for the labour expected. The same inquiries are necessary in respect to the village watcher, the efficient part of the police establishment. It is unreasonable to expect labour without adequate recompence; and if such be not publicly allowed, it will be derived from undue and unauthorized exactions from civil suitors, or by compromise with offenders.*

Another point of the utmost importance must be attended to, which can only be done with effect by the Commissioners, and may, in some districts, require investigation in person, viz. a minute scrutiny into the right of occupancy of all lands held free, or at a low rent, supposed to have been granted for police purposes. A distinct report should be submitted on this subject, with the recommendation of the Commission to take legal means for obtaining possession of the lands, or of calling on the occupants to perform the service under which the lands are held. It is understood that mocassa and cuttoobody lands

* It may perhaps be found, that in some districts head inhabitants acted without fee or enaum. It may perhaps be argued, that they will act so again: but it will probably be found that the motive of former action was the benefit of the irregular influence derived, and that the expectation of the same benefit is the motive for future action.

Mr. Fullerton's Minute, 1 March 1816.

lands in the Northern Circars have been excluded from the assets of the zemindarries at the time of the permanent settlement, and the holders have never yet been called on to perform, under Government, the services for which they were granted, but still continue to consider themselves the servants of the Zemindars. The above being the only source from which funds can be drawn to support the regular police establishment, I consider the investigation to be one of the most important parts of the duty of the Commissioners. Adverting to the known zeal and ability of the First Commissioner, the opportunity of availing ourselves of his services on this occasion ought not to be missed. Having ascertained those points, and brought into action the municipal village police, the Commission should endeavour to reduce the regular stipendiary police establishments when they have been fully introduced, and place them under charge of the Collector; and if it be determined to promulgate the new Regulations without further reference to the Supreme Government, the period of promulgation should be left with the Commission. They should be printed in English and in the native languages, and published in each district, whenever the Commission satisfy Government that the persons directed by the Honourable Court as the instruments for conducting the system are in their places, and that the necessary preparatory arrangements are made; for it must be recollected, that serious difficulties may arise by the too precipitate introduction of new forms, and that errors on the outset produce confusion not easily rectified.

1st March, 1816. (Signed) R. FULLERTON.

MINUTE *of* R. FULLERTON, Esq.

Dated the 8th March 1816.

Mr. Fullerton's Minute, 8 March 1816.

After an attentive perusal of the letter from the Honourable Court of Directors in the judicial department, dated 29th April 1814, I considered it an essential part of my duty, as a Member of Government, to record the observation that occurred to me on the various orders and suggestions contained in that letter, involving points of so much importance to the civil government of these provinces. With that view, I had prepared the Minute No 1, the contents of which are grounded entirely on the personal experience derived from a long course of service, and were written before I had seen any reports from the judicial department, called for by the resolution of Government, under date 1st March 1815. The only public reports referred to in the Minute No. 1 are those from the Revenue department on the transfer of the police to the Collectors, and the report from the Commission with the drafts of proposed Regulations. The Minute No. 2 contains the observations that occur to me on the proceedings of the Sudder Adawlut, on the subject of the drafts above stated. It was not originally my intention to have recorded my sentiments on the subject until all the reports had been received. So much delay has however occurred, and the proceedings have taken such a course, that I cannot reconcile to myself the propriety of further delay in bringing my sentiments on record. I shall only observe, that if those sentiments should, in any way, be affected by further communications from the Sudder Adawlut or the Commission, I shall freely state the ground for such alteration, after all the reports have been received and considered.

Before closing this, it may be necessary to remark that, although my name stands in the list as chief judge of the Sudder Adawlut, the commercial letter from the Hononrable Court of Directors of ...., rendered my presence at the Board of Trade indispensable, under the arrangement directed to be made for the future management of that department; and as the members of the Board of Trade are now reduced to two, I entertain doubts whether, under the spirit of the Honourable Court's order, it be not requisite that I should continue to preside at the Board of Trade.

8th March 1816. (Signed) R. FULLERTON.

JUDICIAL COMMISSIONERS *to* SECRETARY *to* GOVERNMENT,
Dated the 20th April 1816.

To the Chief Secretary to the Government, Fort St. George.

SIR:

Report from Judicial Commissioners, 20 April 1816.

We have the honour to acknowledge the receipt of Mr. Secretary Hill's letter, dated the 1st March, transmitting for our consideration and report a copy of the proceedings of the Sudder and Foujdarry Adawlut on the Regulations laid before the Right Honourable the Governor in Council, with our letter of the 15th July last, and also the re-drafts of those Regulations therein referred to, and recommending to our particular attention the arrangement proposed by the Sudder Adawlut in the drafts of our Regulations.

2. We have carefully considered the Sudder Adawlut's proceedings and re-drafts, and in conformity to the desire of the Right Honourable the Governor in Council, we have given a particular attention to their proposed arrangement of the provisions contained in our drafts. As we had no predilection either for the form or for the provisions of these drafts, farther than as they seemed to be well calculated to answer the purposes for which they were intended, we have, in the accompanying revised Regulations, adopted the arrangement and the language of the Sudder Adawlut, where they were thought better than our own; and we have also, at their suggestion, omitted some clauses and added others, wherever we were satisfied that the change would be useful: but in every instance where we were convinced that their alterations were in opposition to what we conceived to be the essential principles of the Regulations in question, or were in any way likely to impair their efficiency, we have adhered to our original drafts.

3. It could not be expected that our drafts, embracing so many, and in a great measure such new objects, should be free from error. We conceived that it was the intention of Government, in referring them to the Sudder Adawlut, that every error should be removed; but on an examination of the re-drafts of the Sudder Adawlut of the two first Regulations only, we have noticed several errors, of which a list is given in the Appendix, No. 1.

4. In order to furnish a clear and connected view of the material points in which the revised drafts differ from the original drafts, as well as from those of the Sudder Adawlut, it will be advisable to go through them in succession, noticing each deviation that occurs, and assigning the reasons which have induced us to adopt, or to reject, the supposed amendment. It is not our design to make any answer to the *criticisms* of the Sudder Adawlut on our verbal errors or omissions, or to their arguments drawn from an interpretation of the sense of some clauses, which we do not think are supported by the obvious meaning of the words: it will be sufficient that our explanations extend to such matters as are of real importance.

The Village Moonsiff Regulation.

5. The first Regulation to be considered is that of the village Moonsiff. The most material points of difference between the revised and original draft of this Regulation lie in our having taken away from the Moonsiff his jurisdiction in suits for real property, and make his decision final in all cases of personal property, not exceeding ten rupees. The Sudder Adawlut have shewn the inconvenience likely to arise from the village Moonsiff exercising a jurisdiction in real property. They have remarked, that cases of inheritance must be referred to the opinion of the law officers of the zillah court; that the village Moonsiffs were not competent to make those references, in such a form as would enable him to declare the law on the particular points to which its application was required; and that his time would be unprofitably occupied, in unravelling a multiplicity of ill-stated cases.

6. We have yielded to these arguments: not that we apprehend that many of these cases, but that some, might come before the Zillah Judge. There are very few landed properties of so small a nature as that to which the Moonsiff jurisdiction is limited. Of these few, at least nineteen in twenty are Hindoo; and the Hindoo laws of inheritance are so simple, as to be as well understood

Report from Judicial Commissioners, 20 April 1816.

stood by the heads of villages as by the Pundits of the Courts. But as the Mahomedan laws of inheritance and succession are intricate, some cases of Mahomedan landed property might require reference to the zillah court; and we think that more inconvenience would be occasioned by bringing the village Moonsiff into communication with that court, than by withdrawing from him all jurisdiction in matters of real property.

7. In depriving the village Moonsiff of jurisdiction in matters of real property, we have enlarged his jurisdiction in cases of personal property, by making his decisions, which before were appealable, now final. This change appears to be consistent with the spirit of the orders of the Court of Directors,* which recommend that the decisions of the village Moonsiff, in all suits referred to him by the zillah Judge, should be final, because it is probable that most of these suits would be above ten rupees, as hardly any person would go so far for so small a sum; and though the Honourable Court do not propose that the decisions of the village Moonsiff, when acting on his own authority, shall be final, yet as they recommend that his referee decisions shall be final in cases of particular description, not exceeding in value an amount to be specified, and as this referee jurisdiction has not been given to him, the authority now proposed to be vested in him will not, on the whole, be greater than what was recommended by the court. As his jurisdiction is limited to ten rupees, which is barely the price of the most common bullock or buffaloe for the plough, we are convinced that the rendering his decisions final will be productive of great benefit to the inhabitants; and as they may be set aside for corruption, or gross partiality, as he is himself liable to prosecution for corruption, or any aggravated act of misconduct, and as the whole matter of dispute is within ten rupees, there can be no reasonable cause to fear that he will often be tempted to abuse his authority.

8. The Sudder Adawlut have objected to the retrospective jurisdiction of twelve years given to the village Moonsiff by our original Regulations, and suggested that the period should be limited to two years. Their objection to the term of twelve is, "that the effect of a like provision, in regard to the courts "established by the Regulations of 1802, was to burden them with twelve "years arrears of business, which had accumulated under the defective institu-"tions of the native Governments." We adhere to our former opinion, and have inserted the period of twelve years in our revised Regulation; because most of the petty suits which will come before the village Moonsiffs have originated since the establishment of the zillah courts, and have been accumulating ever since, from the difficulty and expense of trial being greater than the matter was worth, and because it is but just that our judicial system should make provision for the discharge of arrears, which it has itself been the means of accumulating. The Sudder Adawlut seem to have had the same principle in view, when they observe "that it could not have been deemed unjust, had all "the old causes been referred for decision to the institutions existing when the "causes originated."

9. It is not likely that the proposed measure would throw any great load of business upon the village Moonsiff; for even if we suppose that the number of unsettled litigations amount to a hundred thousand, it will not, on an average, give more than two or three to each village. Some villages might have none, others might have ten or twelve; but the whole would probably, in every instance, be disposed of in the course of a few months.

10. In our revised regulation we adhere to our original draft, in authorizing the village Moonsiff to send verbal summonses to parties and witnesses, instead of the written summonses proposed in the Sudder Adawlut's re-draft. Our reasons are fully stated in Mr. Stratton's minute on the proceedings of the Court, in which the inconvenience that would attend the use of written summonses in petty village suits is shewn. The objection urged by the court, "that the "party will generally be ignorant of the cause for which he is summoned," is done away, by the plaintiff or his vakeel being directed to accompany the village servant carrying the summons, in order to explain the subject of it.

11. The

* Vide paragraphs 60 and 61, Court of Directors' letter, 29th April 1814.

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11. The Court express great apprehension, that a verbal summons may not ensure "the communication to the party summoned, of such information as "may enable him to come before the Moonsiff prepared to answer." They suppose, "that it will be carelessly delivered by an ignorant village servant," and doubt, "whether a ready obedience can be expected to such a mandate;" and they imagine that the attendance of the defendant, from his ignorance of the cause for which he is summoned, may be worse than useless, by interrupting the progress of his labours for the subsistence of his family. All the form and caution here recommended by the Sudder Adawlut are very proper in the district and zillah courts, where the parties must be generally called from a great distance; but they are totally incompatible with the simplicity and dispatch by which the village Moonsiffs should be governed, and which are essential to the enabling them to act efficiently. It is to be recollected, that no summons can take place, unless both the plaintiff and the defendant are actually at the time present in the village. Suppose that the party summoned does not come fully prepared to answer, there is no harm done; he may be told to get ready and to return at a time fixed. As his house is probably within five or ten minutes walk of that of the Moonsiff, all this process will hardly ever occupy an hour, and very seldom so much; and the interrupting the progress of his labours for the subsistence of his family for so short a time, is not likely to be felt by a person who is supposed, by the existing Regulations, to be able to spare time for several weeks or months attendance at the district or zillah court, during the trial of his suit.

12. But were we even satisfied that written summonses would facilitate the decision of village suits, we would not recommend their adoption previous to the introduction of the judicial code. The inhabitants always obeyed, and in general still obey, without hesitation, the verbal summons of the head of the village, whatever may be the cause of his requiring their attendance. This ready obedience is extremely conducive, and is indeed indispensable, to the good management of the village. The use of written summonses would gradually teach the inhabitants to question every verbal order of the head of the village, and would spread a spirit of insubordination, the mischievous effects of which would be but poorly compensated by any trifling advantages which might be derived from such summonses in petty suits.

13. We conform to our original Regulation, and differ from the redraft of the Sudder Adawlut, in letting a suit be decided by the oath of one party, when the opposite party agrees to abide by such oath. The Sudder Adawlut suppose it to have been our intention to conform to Section 6, Regulation III. 1802, which prescribes "that the court shall examine the truth of the complaint or claim by the oaths of the parties, if they shall mutually consent to "that mode of examination." It was not intended to conform to this section, but to a custom very common among the natives, of determining, with the consent of both parties, the truth of a claim by the oath of one of them. If, for instance, in a claim of debt to be decided on the oath of one party, the defendant swear that he paid it, the plaintiff must relinquish his claim; or if the plaintiff swear that the debt has not been discharged, the defendant is bound to acknowledge it. The Sudder Adawlut, supposing that this construction may possibly be our meaning, observe that the determining of a question by the oath of one party would be introducing a new principle into the code. To introduce a new principle into the code is precisely what we meant to do; because we are persuaded, that the introduction of principles which are followed by the natives in the adjustment of their differences, and which are respected by them, will improve the code.

14. The Sudder Adawlut think it "worthy of consideration, whether the "passing of decisions on the oath of a party, unsupported by witnesses, will "not tend to encourage perjury." It does not appear very plain how perjury is to be promoted more by only one person swearing, than by two or more swearing contrary to each other. The man who agrees to rest the truth of his claim on the oath of another, must have some confidence in his veracity; if he has not, he will follow the usual course of letting the matter be decided by the examination of witnesses. There are sometimes claims to which there are nei-

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ther witnesses nor documents. These are settled, among the natives, by the oath of one party; but the cases which are most frequently decided in this way are those where the plaintiff is satisfied, both of the justice of his claim and of the defendant's veracity. The oath is proposed for the purpose of shortening the litigation. The oath is also frequently resorted to by a party who finds himself wrong, and likely to lose the suit, and who thinks the only creditable way of getting out of it is to abide by the oath of the opposite party. If this opening were not left, he would probably sometimes persevere, and endeavour to gain his course by suborning witnesses.

15. By our original Regulations, the village Moonsiff was restrained from examining more than four witnesses on each side, when it was necessary to take the evidence in writing. In our revised Regulations, we conform to the redrafts of the Sudder Adawlut, in leaving the number of witnesses unlimited. We have adopted this alteration, not from thinking that in petty suits within ten rupees four witnesses on each side are not sufficient for every purpose of evidence, but because having done away appeals from the village Moonsiff's decisions, it is no longer necessary for him to take written evidence, and oral evidence requiring little time, we thought that the restriction on the number of witnesses might be given up without inconvenience.

16. The Sudder Adawlut observe, that the power given to the village Moonsiff of causing an oath to be administered to any witness when he thinks he is not giving his evidence correctly, "would be, in effect, to lay a snare for the "unwary, and to entrap a witness into perjury." We adhere to our original draft, in leaving to the village Moonsiff the discretionary power of causing an oath to be administered: but in order to put the witness on his guard against perjury, we have provided, in the revised Regulation, that "the village Moon-"siff shall, previously to the examination of a witness, inform him that he has "authority to cause an oath to be administered to him, when he may think he "is not giving his evidence correctly."

17. The Sudder Adawlut have remarked, that the power proposed to be vested in village Moonsiffs, of levying the fines which they may impose, is a power which, by all former enactment in the Madras Judicial Code, can be exercised only through the intervention of the zillah Judge. In our report, dated the 15th July 1815,* we have fully stated our reasons for this innovation. We see no cause to change our opinion of its expediency; but we have lessened the time of imprisonment which the Moonsiff was authorized to order, when fines were not paid, from twenty-four to twelve hours.

Village Punchayet Regulation.

18. The revised village punchayet Regulation differs from the original draft in the following points. By the original Regulation, the village Moonsiff had compulsory power, on the application of one party only, to cause any suit not exceeding one hundred rupees to be tried by a punchayet. In order to lessen the motives to corruption, this power is now taken from him, and he is permitted to order a cause to be tried by a punchayet only where both parties agree to abide by its decision, without appeal, and consequently there can now be no appeals under this Regulation.

19. By the original Regulation, the zillah Judge could annul the decision of the punchayet, when corruption or gross partiality was proved to his satisfaction. By the revised draft, in cases of gross partiality, proved to his satisfaction, he must refer his proceedings and opinion to the provincial court of appeal, who, if they concur in his judgment, are authorized to annul the decision of the punchayet: but in cases of corruption only, the court cannot annul the decision, but the corrupt party is liable to prosecution. By the revised draft also, when a decision is annulled for gross partiality, if the same decision be given in the same case by a second punchayet, it is final.

20. Our reasons for these alterations may be given in a few words. It is essential to the rendering the punchayet adequate to the useful purposes for which it is intended, that its decisions should not be set aside on slight grounds; and as men's opinions often differ widely with regard to what constitutes partiality,

* Paragraph 27.

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tiality, it has appeared to us advisable that, in charges of partiality, the judgment of the zillah Judge should be confirmed by that of the provincial court of appeal, before the decree of a punchayet can be annulled. In punchayets there may be a corruption of one or two members, and the decision of the majority still be right. To make the decision liable to be annulled by the corruption of any one member, would afford too much facility to set it aside, and would tend to encourage unfounded charges of corruption. If corruption has produced a partial decision, the charge of partiality, on being proved, will overturn the decision; if it has not produced a wrong decision, the corruption is liable to punishment on a prosecution. As decisions ought always to be final somewhere, we have thought that the best way of effecting this was to render the decision of a second punchayet, confirming that of a former one, final; for this punchayet, with the advantages of local enquiry joined to those of caste and language, has at least as good means of forming a correct judgment on the merits of the case as a distant provincial court.

21. The Sudder Adawlut, in their redraft, have made a most important change in our original Regulation, by making the greater punchayet, appointed by the Moonsiff, applicable to limited suits only, and the smaller punchayet of five members, chosen by the parties and Moonsiff, applicable only to unlimited suits. We have rejected this change and adhered to our former Regulation, because, as stated in our report of the 15th July 1815,* the members of the smaller punchayet, chosen by the parties, are apt to become parties themselves, and because we are convinced that the leaving all the greater suits to this punchayet would only tend to prevent their adjustment, and to force the parties, however unwilling, to have recourse to the zillah courts.

22. We have adhered to our original draft, in leaving to the punchayet the power of causing an oath to be administered to a witness when they think he is not giving his evidence correctly; but the punchayet are, like the village Moonsiff, directed "to inform every witness, previously to this examination," that they have such authority.

District Moonsiff Regulation.

23. Our present district Moonsiff Regulation differs from our former one in some essential points; namely, in not limiting the number of the witnesses, and in extending the final decision of the Moonsiff to twenty rupees. These modifications arise partly out of those made in the village Moonsiff Regulation. The restriction of the examination of witnesses to four on each side having been done away in that Regulation, has likewise been removed in all the others; and the decision of the village Moonsiff having been made final as far as ten rupees, it became expedient to extend the final jurisdiction of the district Moonsiff from ten to twenty rupees, more especially as this last sum is nearer to the limitation of five pagodas, recommended by the Honourable Court of Directors.† This extension seemed also to be required, for the purpose of expediting the process before the district Moonsiff, by enabling him to dispense with written depositions in all suits under twenty rupees, which is now the more necessary, in consequence of the limitation of the number of witnesses having been given up.

24. Our revised differs likewise from our original draft, in making the district Moonsiff examine witnesses upon oath, in the mode of summoning defendants and witnesses employed in the preparation of salt and the Company's cloth investment, and in the pay of the district Moonsiff.

25. By our first draft, the district Moonsiff examined a witness on oath only, when he saw reason to doubt his veracity; but, on further consideration, we have thought it advisable that he should examine all witnesses on oath, because as appeals lie from his decisions to the zillah court, where the witnesses must be examined on oath, it is better that he should follow the same rule.

26. The form of summoning persons employed in the preparation of salt and cloth for the Company, through public officers under whom they are employed, was inadvertently adopted from the Bengal Code in our first draft; but as no such form has been admitted into the village Moonsiff Regulation, or in the redraft

* Paragraph 8.

† Vide letter of the 29th April 1814, paragraph 70.

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redraft of the same Regulation by the Sudder Adawlut: as the range of the district Moonsiff jurisdiction is so narrow, that those persons could not be called to any great distance from their homes, and as there is, therefore, no sufficient ground for making any distinction between them and the rest of the natives, we have rejected the distinction in the revised Regulation; more particularly as it will not affect the provisions of Regulation I. of 1806, which will still be applicable to the proceedings of the zillah courts.

27. The allowing a salary to the district Moonsiff, which by our first draft was made conditional, is rendered positive in the revised Regulation, because such a provision seemed to be necessary to encourage men of respectability to hold the appointment, and to be more consistent with the instructions of the Court of Directors.*

28. We have adopted the Sudder Adawlut's definition of landed property, which is rather an amplification than an alteration of the one hitherto in use. The Sudder Adawlut, in their remark on our Regulations, have given a description of the different kinds of property in land; and they have observed, that the section does not describe correctly the nature of the property which is intended to be made subject to the cognizance of the village Moonsiff. The description of landed property contained in our draft is taken from the Judicial code. We were not creating any new kind of property; we were only proposing Regulations for those kinds which had long been in existence. We did not, therefore, think it necessary to look for a new definition, because that of the code had been acted upon, from its first introduction down to the present day, without any apparent inconvenience. We were satisfied that it had been found sufficient to answer its object in practice; and while this was the case, we did not think there could be any urgent cause for seeking another. It is hardly possible to believe that, had it occasioned any perplexity, it would not have been represented by the subordinate courts, and long since corrected. It seems rather remarkable that the kind of landed property the most common of all others should not have been noticed, or any provision made for the trial of claims to it, by the code. The explanation of this may, perhaps, be found in the subordinate courts having acted upon the original definition, according to the extended constructions now given to it by the Sudder Adawlut.

District Punchayet Regulation.

29. The remarks which we have already made on the difference between the original and revised drafts of the village punchayet Regulation, are equally applicable to those of the district punchayet. In this Regulation, the compulsive authority of district Moonsiffs to refer suits for trial to punchayets, on the application of one party only, is done away, and the free use of both kinds of punchayet in all cases, is also adhered to, in preference to the restriction adopted by the Sudder Adawlut, of confining the trial of all unlimited suits to the punchayet of five members.

30. The motives by which we were induced to do away the compulsory power of the district Moonsiff, in referring suits to the district punchayet, were the expediency of assimilating the district and village punchayet Regulations, and the necessity of relieving the zillah courts from the appeals to which they would have been liable, had the compulsory jurisdiction been continued.

Sudder Aumeen Regulation.

31. We have restored the Sudder Aumeen Regulation to the original state of our first draft. The Sudder Adawlut, in their redraft, make the number of Sudder Aumeens unlimited. We confine them to the Hindoo law officers of the provincial, and the Mahomedan and Hindoo law officers of the zillah courts, with the view of giving respectability to the office, as well as of saving expense, by employing only officers already in the pay of the Company upon high salaries, and because it is supposed that those officers have both leisure and ability adequate to the discharge of all the business that is likely to come before them.

32. The Sudder Adawlut refer the Sudder Aumeen to upwards of twenty sections of the district Moonsiff Regulation for his guidance, many of which are inapplicable. We adhere to our original plan of referring him to the whole code, because

* Vide letter of the 29th April 1814, paragraph 69.

because this is conformable to the practice of the Regulations themselves; for in Clause eleventh, Section 6, Regulation XVI. 1802, the native Commissioner is referred to the whole, because the Sudder Aumeen being an officer of the court, ought to follow exactly the same rules and forms as the zillah court, and because he is supposed, from his situation, to be acquainted (if any person is acquainted) with the whole code, and he will of course, whenever any change affecting the process of the zillah courts is introduced, be guided by it.

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Boundary Dispute Regulation.

33. Our revised boundary dispute Regulation differs from the original draft, in not limiting the Collector's jurisdiction to disputes between villages respecting their boundaries, but extending it to disputes regarding boundaries in the same village. We have made this extension, because though affrays are most likely to arise about village boundaries, in which the honour and interest of the contending villages are supposed to be at stake, the letter of the Court of Directors,* on a further consideration of its object, does not appear to limit the jurisdiction to village boundaries, and the Regulation to which it refers speaks of boundaries generally; because we conceive that all boundary disputes whatever, can only be settled by local inquiry, which can best be made under the Collector; because, having taken away the jurisdiction of the village punchayet in suits for land, we deem it the more necessary to employ them in the settlement of boundary disputes, which are merely matters of fact, and of which their habits and residence on the spot render them the most competent judges; and because we are persuaded, that much facility will be given to the adjustment of these suits, and much relief be afforded to the zillah courts, by the proposed measure.

34. In the revised we differ from the original Regulations, in having adopted a part of the forms of process contained in the redraft of the Sudder Adawlut. We differ, also, from the original, in allowing the Collector to annul the decision of the punchayet on proof of partiality, but not of corruption, for the same reasons for which the power of the provincial court, in this respect, has been limited, as already explained, and likewise in making the decision of a second punchayet, confirming that of a former one, final.

35. By this Regulation, an authority not allowed to the zillah Judge is given to the Collector, of annulling decisions on proof of partiality, because the Collector, by moving about the country and visiting the spot where the disputed boundary is, has ample means of obtaining accurate information.

Police Regulation.

36. In the revised police transfer Regulation, we have adhered, in every material point, to our first draft, and have restored the sections rejected by the Sudder Adawlut in their redraft. The section of this Regulation which authorizes the Collector, "when riotous assemblages are formed in consequence "of disputes respecting the right of ploughing any particular fields, to determine who shall plough them for the present, in order that cultivation may not "be impeded, by the land being kept uncultivated while the trial which the parties "may seek is depending," is regarded as one which ought to be rejected from the Regulations of Government. They seem to think that the Collector is authorized, by this section, to transfer to any claimant lands which might have been cultivated for ages by one family in succession. They observe, that this section cannot guard any right, cannot serve the purposes of justice, but may give a temporary success to injustice, and that the Honourable the Court of Directors could not have had such a result in contemplation. The Collector, in the very first words of the section, "is authorized to prevent the forcible "occupation or seizure of lands or crops;" and it is not, therefore, easy to see how he could, without a breach of the Regulation, dispossess the ancient family of ages, or even the occupant of a single season. The provision is made for a very common case; namely, the disputes about the occupancy of Sirkar lands lying waste or uncultivated and unoccupied, and open to the first comer. When two or more persons, having no previous right to such unoccupied land, dispute who shall plough it, some provision seems to be necessary for the settlement of the difference: we have, therefore, enlarged and restored the section, because

* Vide letter of the 29th April 1814, paragraph 109.

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because we conceive that it is required, in order to follow up the instructions of the Court of Directors regarding the forcible seizure of lands and crops.

37. We adhere to our original Regulation, and differ from the redraft of the Sudder Adawlut, in dispensing with the use of stampt paper in complaints for petty offences to the Superintendent and Police officers, because the police being founded on the ancient usages of the country, there should be no unnecessary expense or form to impede the communication of the Superintendent with the inhabitants.

38. We differ, also, from our original Regulation, in allowing the warrant of the zillah Magistrate to go direct to all Police officers within the limits of the village in which the zillah court is stationed; but, in all other cases, we adhere to our original Regulation, in allowing no order to be issued to any Police officer, except by or through the Superintendent, both with the view of preventing the collision of authority alluded to by the Court of Directors, and of giving more efficiency to the police, by shewing the servants that they are under one head only.

39. We differ from the Sudder Adawlut, and adhere to our first draft, in authorizing the Superintendent of Police to release persons brought before him charged with offences, when he sees no ground for detaining them, without recording any reason; because we think that to record his reasons for his conduct in all such cases, can only serve to waste his time unprofitably, and to accumulate useless records.

40. The Sudder Adawlut observe, that our not requiring an oath from the Collector or his Assistant, shews an inattention to public obligations. We still, however, adhere to our first draft, in not requiring these oaths, for the reasons stated by Mr. Stratton in his minute: because, also, we think it totally unnecessary to make the Collector take five oaths; and because, if his oath as Collector is not deemed sufficient, we think that it might easily be altered, so as to make it answer both for the office of Collector and of Superintendent of Police.

41. Having now stated all the material points in which our revised differ either from our original Regulations, or from the redrafts of the Sudder Adawlut, and given such explanations as appeared necessary, we proceed to offer a few observations, in answer chiefly to the objections to the village Moonsiff Regulation, brought forward by the Sudder Adawlut at the end of their report.

General Observations.

42. The first objection stated by the Sudder Adawlut is, that "the Commission, in their first Regulation, provide that the renter or Collector of the rents or revenue, and not the Potail, shall be the Moonsiff, and this provision, independently of its being directly at variance with the plan contemplated by the Honourable Court, &c." We have no where said, that the renter or Collector, and not the Potail, shall be the Moonsiff, though the Suddar Adawlut have frequently given this as our language. We do not say that the renter, and not the Potail, shall be the Moonsiff, but that the Potail, wherever he exists as Potail, shall be the Moonsiff, and that the renter or Collector shall be the Moonsiff only when the Potail has been set aside, and when the renter or Collector himself does, in reality, act as Potail. A Potail who has not the village servants under his control, and who does not collect the rents and direct the affairs of the village, is no longer Potail. The person who succeeds to these functions is the Potail. To constitute this person Moonsiff involves no deviation from the plan contemplated by the Court of Directors. The Court know perfectly well, that the village institutions varied more or less in every province; that in some they were extremely imperfect, and that in many cases they had been broken up by our revenue systems, and the Potails set aside to make way for renters. The Honourable Court propose,* that the heads of villages, by whatever name they may be designated, shall be invested with judicial powers; but where the former heads of villages have been removed, they do not propose that these powers shall be withheld from their successors, merely

* Vide paragraph 34.

merely because those successors may occasionally be men of different caste from, or of less respectability than their predecessors. Report from Judicial Commissioners, 20 April 1816.

43. When a Potail has been removed, to make room either for a renter or a proprietor of the village, he sinks to the rank of the common Ryots, whether his enaum be continued to him, or be incorporated (as it has been in some cases) with the permanent settlement. To constitute him Moonsiff would throw the affairs of the village into complete disorder, and hinder both the distribution of justice and the realization of the revenue. He would exert all the influence of his new office to impede cultivation, and to encourage the Ryots to withhold their rents, in the hope of injuring the rival by whom he had been superseded, or of compelling him to give up the village. The village servant, when wanted by one party for judicial or police affairs, would be called away by the other for those of revenue, and a collision of authority, most detrimental to the country, would be established: we are therefore of opinion, that the person who collects the rents, directs the village servants, manages the public business, and in effect exercises all the functions of the head of the village, must be the village Moonsiff, whether he be the ancient head or a new renter, proprietor, or agent.

44. But the adoption of this rule will not introduce so many strangers to the office of village Moonsiff as may at first sight be imagined. The decennial leases were ordered by Government to be made with the head inhabitants of the villages, and this has, with a few exceptions, been done. In all the decennial lease districts, therefore, as well as those out of lease, forming together by far the greater portion of the Madras territories, the ancient heads of villages remain and become the Moonsiffs. In those districts where the permanent settlement has been formed, a considerable number of the villages are the property of their ancient heads; and even where the villages have become the property of strangers, the old heads are still employed, in many of them, as managers by the new owners. In the districts still held under the permanent settlement by the greater Zemindars, the villages will, in general, continue in the hands of their ancient Potails, Reddies, or head Ryots, excepting where a portion of the zemindarry has been leased, and then some of the villages will fall into the hands of new men. In all the districts under the permanent settlement new heads of villages have been established, where the proprietor being a stranger resides in the village and directs its affairs, where the renter being a stranger resides in the village and does the same, and where a stranger is employed by the proprietor or renter as manager. But the removals of the ancient heads of villages produced by all these causes united, does not probably amount to one in twenty; and when it is considered that their places have often been supplied by respectable Ryots, or inhabitants of the same or of some of the neighbouring villages, who are equally competent to the situation, there seems to be no just ground to apprehend any serious inconvenience from constituting the actual manager of the village the village Moonsiff.

45. The Sudder Adawlut remark, that the renter who derives his profits from the labour of all the cultivating classes of the village cannot be uninterested. But, in answer to this, it may be said, that the office of renter does not necessarily prevent the Moonsiff from doing justice between tenants; that there can be no great motive to corruption in suits of ten rupees, and of which not more than two or three may occur in the year; that if the Ryots doubt his impartiality, they will ask a punchayet, or apply to the district Moonsiff or zillah court; and that in many villages, the lease is not held by one person, but by all the Ryots, or at least by all the better class of them jointly, and the Moonsiff can therefore have no inducement to favour one at the expense of the other. "Still less," say the Sudder Adawlut, "can impartiality be expected from the hireling employed to collect the duties of the Zemindar: he will too frequently, "it is to be feared, make his profits by relaxations of his master's rights, to be "purchased by the cultivators, and the best customer will doubtless be most in "favour with him." As far as regards the injury to the Zemindar, we imagine that he may very safely be left to take care of his own rights, and that he would do so by removing his hireling agent: with respect to the injustice towards the Ryots, it has already been stated that they can have recourse to other tribunals, and that the Moonsiff is liable on prosecution to fine and damages.

46. Another

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46. Another difficulty, in the opinion of the Sudder Adawlut, is that the situation of renter or Collector of the rents is not permanent in one person; and in order to shew from how many incidents it is liable to change, they observe, "that the very circumstance of a man's giving more attention to settling "justly the differences of his neighbours than to his own concerns, might be "the cause of his being ousted from the farm, by virtue of which he exercised "the judicial authority." This case of a Moonsiff losing his office from an excessive love of justice, is certainly not provided for, either in our original, or revised drafts; but his successor would probably take warning from his fate, and thus remedy the evil complained of.

47. Another part of the Sudder Adawlut's objection is, that the farmer may fail and be removed, and frequent changes of Moonsiffs take place. These changes, we believe, will be few, in comparison with the numbers that will not be changed; and even where they occur, will not cause any material inconvenience. The office requires no great talents; its jurisdiction is limited to ten rupees. The successor will probably be some principal Ryot of the same or a neighbouring village, quite equal to the task of deciding two or three petty suits in a year. In villages where more suits arise, there will usually be found shopkeepers, weavers, and merchants, capable of deciding by punchayet any cause to which the renter may not himself be competent.

48. The Sudder Adawlut go on to remark, that the situation of Moonsiff is still more liable to change when held by the agent of the renter, than when held by the renter himself, because "caprice in the renter may furnish the village "with a new Judge every month." No private person, we believe, would venture to entrust the charge of his affairs to a new agent every month; and we believe that the common sense of the renter, and his regard for his own interest, will deter him from committing the management of his farm to a new agent every month. But even supposing that this extreme case should actually occur, it could do no great harm. The monthly Moonsiff would have time enough to settle a petty suit within ten rupees, which would seldom require more than a few days, or even a few hours, or the parties would demand a punchayet, or apply to a neighbouring village Moonsiff.

49. The next point on which the Sudder Adawlut advert is, the "exemption "from all superintendence and control which the village Judge is to enjoy, and "his retaining his authority so long as he is renter or Collector of the rents, "although he may, in a hundred instances, be proved most grossly venal." The village Moonsiffs are amenable to the zillah courts for all acts of corruption and oppression. Were they liable to punishment for negligence or incapacity, they could not possibly act. The native agents about the zillah and district courts, who may be interested in opposing them, would instigate frivolous complaints against them. The Moonsiffs are not exempted from wholesome control, but from such control or interference as would deter them from doing their duty, and render their office inefficient. The zillah Judge has certainly neither means nor time to ascertain the incapacity, or to inquire into the negligence of from one thousand to four thousand village Moonsiffs. The capacity which is equal to the management of a village will, most likely, be found adequate to the settlement of two or three, or even a dozen ten-rupee suits in the year; if it be not, the parties can have a punchayet or apply to another Moonsiff. The suits which, in the course of a year, come before the district Moonsiffs, are about thirty thousand. If we suppose that double this number may annually be brought before the village Moonsiffs, it would scarcely, on an average, give two to each Moonsiff, and he can hardly be grossly venal in a hundred instances, when he is not likely to have the trial of a hundred suits during his whole life.

50. It has already been shewn, how little temptation a ten-rupee suit can present to corruption; and there seems to be no ground to suppose, that a Moonsiff who had once been guilty of it could ever repeat the offence. The fine, and the expense and loss of time, would be sufficient to deter him, and his loss of character would prevent the inhabitants from bringing their suits before him in future. He cannot be removed where he is a renter or proprietor of a village, nor ought he to be removed even where he is merely a Potail, collecting the

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the rents of Government. To allow such removal, would promote the feuds which are so violent among some families for the office of Potail, and would encourage perjury for its attainment. The time of the Judge would often be uselessly wasted in hearing unfounded charges: he would not easily be able to guard against the frauds that would be adopted, and might sometimes remove a man not guilty, and more injustice and corruption would thus be produced than that which it was meant to obviate. It will be better, we think, to let a trial be made, for a few years, of the village Moonsiff under the Regulation now proposed; and if the evil apprehended should then be found to be of such magnitude as to require further provision, it can be made.

51. The Sudder Adawlut conclude their remarks on a quotation by the Court of Directors relative to the village institutions, by observing "that to make the "Potails discharge judicial functions will be regarded as an imposition of new "duties, or as the renewal of obligations which none of the parties concerned "wished to have renewed." It is not necessary here to examine, whether these obligations are new or old: we have stated our opinion on the subject in a former report.* With respect to the parties concerned not wishing to have them renewed, we may observe that the Barramahl, when the permanent settlement took place, was disposed of in mootahs or estates to the highest bidders, and the Potails were set aside; yet they did not complain of this measure, though many of them shewed their attachment to their former situations, by ruining themselves in order to purchase them. It does not, therefore, follow, as the Sudder Adawlut have supposed, that the natives have no desire for a privilege because they have made no complaint of its deprivation.

52. Potails and village servants, though they sometimes complain against the officers of Government, never complain against what they consider as the acts of Government itself. They have not the courage to state objections individually to what has been passed into a law; they do not come forward in a body to petition against a Regulation, as men do in England against an Act of Parliament: they are ignorant of this mode of proceeding, and even if they knew it, they would not venture to avail themselves of it, lest it should be regarded as an act of opposition to Government. Had the village institutions been left untouched by the British Government, no new regulation would have been necessary; but as this has not been the case, and as the natives believe that, in consequence of the introduction of the Judicial code, no suit, however trifling, can now be settled except under the authority of the zillah courts, it has become necessary to make Regulations calculated to restore to the natives their ancient privilege of having their disputes settled by the head of the village or a punchayet, when they chose this mode in preference to seeking redress from a distant tribunal: and in furtherance of this object, we think it expedient that the Potail, whether he be willing or not, should be required to discharge all the judicial, revenue, and police duties belonging to his office, as head of this village.

53. It is thought by the Sudder Adawlut, that by constituting the Potail or renter a referee and arbitrator merely, the evil consequences of exemption from the punishment of dismissal would not be so formidable, "because to a village "referee or arbitrator, whose profligacy or incapacity had been ascertained, "the zillah Judge would not refer causes for decision;" and they observe, "that the authority of a referee and arbitrator must lie dormant, unless it be "called into action by the zillah Judge." All that is here said about arbitration is already provided for under the existing Regulations,† but it appears to have been very rarely acted upon. The reports of the Judges shew very little arbitration. The general complaint of the Judges is, that the parties have no confidence in arbitrators: we may therefore conclude, that if the village Moonsiffs are to be roused only by the zillah Judges, they will hardly ever be disturbed in their dormant state. How is the Judge to ascertain the profligacy or incapacity of the Moonsiffs? He has already more to do than he can attend to without a correspondence with so numerous a body.

54. Our objections to the village Moonsiff acting as referee have been detailed in our report of the 15th July 1815.‡ To make it necessary, in petty suits,

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* Vide letter of the Commission, 28th March 1815. † Regulation XXI, 1802.
‡ Vide paragraph 5.

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suits, to repair, in the first instance, to the zillah Judge, would defeat the object of the Regulation of not carrying away the people from their villages. Indeed, it would prevent such suits from being settled at all; because there is hardly a case within ten rupees (the limit of the Potails' jurisdiction) in which the plaintiff would think it worth while to leave his home, as even the certainty of gaining the suit would not compensate for the trouble and loss of time.

55. The section by which the Collector is authorized to determine who is to be considered as the head of the village, when there are two or more joint renters or collectors of rent, each claiming the office, is deemed objectionable by the Sudder Adawlut; and they recommend that the nomination shall be made by the zillah Judge, because as he appoints the district Moonsiff, the same provision should, they conceive, be made applicable to the village Moonsiff. There does not seem to be the smallest analogy between the two cases. The district Moonsiff is an officer purely judicial, acting entirely under the orders of the zillah Judge: the village Moonsiff is a revenue officer, who exercises judicial authority only in virtue of his revenue office. His revenue business is constant, his judicial only casual; and as the Collector has always had the appointment of village revenue officers, this authority ought undoubtedly to remain with him. As Collector and Superintendent of the Police, he is the only proper person to determine in doubtful cases who shall be the head revenue and police officer of the village.

56. A doubt is expressed by the Sudder Adawlut, whether it be intended by the village Moonsiff Regulation "to leave it entirely to the option of the native inhabitants to have recourse to these lower judicatories or to the zillah courts." It will be seen by the Report of the Commission, referred to in Mr. Stratton's minute,* that it was intended this option should be left to the inhabitants, and it is now made more distinct by the wording of the clause.

57. So many evils appear to the Sudder Adawlut to be likely to result from the heads of villages becoming Moonsiffs *ex officio*, that they propose their being appointed by selection by the zillah Judges; that it shall be made the special duty of the Judges "to select those persons for the judicial office whom the general opinion of the inhabitants, manifested by voluntary references, should point out as the best qualified to decide on the disputes between them;" that a Moonsiff shall not be appointed to every village, but to a circle of from ten to twenty miles, according to the population. What is here recommended is already provided for by the code; for Clause fourth, Section 3, Regulation XVI. 1802, directs the appointment of native Commissioners to circles of ten coss: but this appears to have been only very partially done, as may be seen by a list of the number of Commissioners, including the law officers of the zillah courts as Sudder Aumeens *ex officiò* by the last returns, vide Appendix. We are therefore to infer, that the Sudder Adawlut have found some difficulty attending this plan authorized by the Regulations, and the same in principle as that recommended by themselves, which has hitherto prevented them from carrying it into execution; and it can hardly, therefore, be necessary to attempt the introduction of a similar one upon a more extensive scale, more particularly as it would not be the village Moonsiff Regulation proposed by the Court of Directors.

58. In their concluding remarks, the Sudder Adawlut observe that "they have not deemed themselves at liberty to deviate, in any essential point, from the principles on which the proposed Regulations appear to have been framed." They have made one essential deviation in the Punchayet Regulation, where they confine the trial of unlimited suits to the punchayet of five members. This, we have already observed, would tend to retard the adjustment of such suits, and to force them into the zillah courts: it would also increase the chances of corruption, which would be more easy than in a more numerous punchayet.

59. The Sudder Adawlut have noticed several trifling innovations on the Judicial code, but have made no objection to one of the most important, that by which the village Moonsiff is authorized to carry his own decrees into execution,

* Vide Commissioners' Report, 15th July 1815, paragraph 62.

tion, and to attach property for that purpose, which will have an extensive and beneficial influence in facilitating the recovery of just debts.

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60. We think that most of the difficulties seen by the Sudder Adawlut originate in their viewing the Potail, not as what he is, a head Ryot engaged in agriculture and deciding one or two petty suits in the year, but as a regular Judge, solely occupied in hearing causes from one end of the year to the other. They speak of his sitting in open court, of the respectability of the judicial character, of preserving the purity of these inferior judicatories, of his conscience not being bound by an oath, of his being subject to no controul, and of the ease with which he may convert his power into an engine of oppression. We are satisfied that the evil or the good that any one village Moonsiff can do will be trifling; that oppression will seldom be within the power of any one of them, and is sufficiently open to punishment; that good will be within the reach of them all, and that however little may be done by them individually, the aggregate will be great. The proposed Regulations cannot impede, but will assist the operation of the Judicial system: the option is left to the natives of having recourse to them, or not, as they please. We therefore beg leave respectfully to recommend, that they be passed by the Right Honourable the Governor in Council.

61. It was our intention to have submitted with the proposed Regulations a report on the heads of information called for by the resolution of Government of the 1st March 1815. We addressed a circular letter on that subject to the Collectors, dated the 8th June, with forms explanatory of the information required; but as some of the Collectors' returns have only been lately received, and as others have only been received in part, we shall be obliged to defer our report for some time longer.

We have the honour to be, Sir,

Your obedient humble servants,

(Signed) THOMAS MUNRO,
First Commissioner.
GEORGE STRATTON,
Second Commissioner.

Fort St George, 20th April, 1816.

APPENDIX.

Number of Sudder Aumeens, Moonsiffs, &c. in each Zillah.

Names of Zillahs.	Mooftees and Pundits acting as Sudder Aumeens, *ex-officiô.*	Sudder Aumeens.	Moonsiffs, &c.	TOTAL.	
Bellary	2	2	17	21	
Canara..............	2	1	33	36	
Chingleput	2	...	33	35	
Chittoor	2	...	21	23	
Cochin	...	...	...	...	
Combaconum	2	...	13	15	
Cuddapah	2	...	38	40	
Darapooram	2	...	16	18	
Ganjam	2	...	...	2	List not received.
Guntoor	2	...	6	8	
Madura	2	1	10	13	
Malabar (North)...	2	...	10	12	
Malabar (South)...	2	...	...	2	List returned for correction.
Masulipatam	2	...	16	18	
Nellore	2	...	...	2	
Rajahmundry	2	...	...	2	
Salem	2	...	8	10	
Seringapatam	2	...	...	2	
Tinnevelly	2	...	4	6	
Trichinopoly	2	...	4	6	
Verdachellum	2	...	15	17	
Vizagapatam	2	...	6	8	
Total.. ...	42	4	250	296	

(Signed) W. OLIVER,
Register.

MINUTE *of the* PRESIDENT,
Dated the 25th April 1816.

President's Minute, 25 April 1816.

The President submits to the Board a correct copy of the Regulations framed by the Commissioners for the revision of the judicial system, and proposes that the said Regulations be passed and promulgated.

(Signed) H. ELLIOT.

25th April 1816.

MINUTE *of* ROBERT FULLERTON, ESQ.
Dated 27th April 1816.

Mr. Fullerton's Minute, 27 April 1816.

I am sorry I cannot assent to the immediate publication of the Regulations now submitted by the Commission, and the following are the grounds of my objection. By the resolutions of Government, under date 1st of March 1815, the Commission were required to ascertain and report on certain points therein detailed,* previously to drafting the Regulations for the establishing of the village courts and for the restoration of the village police. Considering, however, that the Regulations were to undergo the revision of the Sudder Adawlut, which must necessarily take up some time, during which it was supposed that material progress would have been made in ascertaining the points of information required, the Commission were, on the 13th May 1815, authorized and directed to prepare and submit the drafts through the regular channel; but in that letter it is expressly stated, "that the Right Honourable the Governor in "Council continued to be of opinion, that it would be advisable a report upon "those points should precede the promulgation of the Regulations."

In the letter addressed to the Commission, under date 4th August 1815, which accompanied the copy of the letter from the Secretary of the Right Honourable the Governor-General, it was observed, that the "suggestions which "had fallen from the Governor-General rendered it more particularly neces- "sary that, in any event, the information called for in the first and eighth articles of the resolutions of Government, bearing date 1st of March last, "should be furnished before the new Regulations are promulgated." I am not aware of any circumstances which have occurred to affect the propriety of the foregoing resolutions: on the contrary, I continue to be of opinion, that before a legislative enactment be promulgated, vesting certain powers and requiring certain duties from a certain description of persons, Government should know by something stronger than tradition, by local inquiry and research, that such description of persons does exist, and that the persons described are capable and fit to be trusted with the performance of the duty to be required. It is further necessary, that we should know whether there exist, in the opinion of the public officers of Government, objections of a local nature to the arrangement; for (to use the language of the letter from Bengal) it must be recollected, that although the Commission may introduce the system, it must be ultimately conducted by the officers of the judicial and revenue departments; and if objections do occur, even though they should prove unfounded, still it is highly necessary that they should be met and set at rest before the law be declared.

The letter from the Secretary to the Right Honourable the Governor-General furnishes additional ground for deferring the immediate promulgation of the Regulations; for although his Lordship assents conditionally to their publication without delay, still the condition under which the assent is given does not appear to me to exist. The case does not involve emergency in which delay would be embarrassing. The proposed Regulations involve material changes in the principles and system of administration hitherto pursued, throughout our possession

* Vide I. and VIII.

Mr. Fullerton's Minute, 27 April 1816.

possession in this country, in the adoption of which it is necessary to proceed with caution and care: neither is the period prescribed for the dissolution of the Commission at hand. In fixing the period at three years, the Honourable Court seem to have had in view the necessity of full and ample deliberation. It is clear they wish the thing to be done well and effectually rather than soon.

The difference of opinion subsisting between the Sudder Adawlut and the Commission renders the reference to the Supreme Government still more advisable, in order that the benefit of their sentiments may be obtained on the points at issue. The period that elapses in the reference cannot be said to be lost, as it will afford time to the Commission to ascertain and report the points of information required, as already determined, to precede the promulgation of the Regulations.

The amended drafts having only reached me on the 26th instant, I am not yet prepared to give any opinion on the alterations they contain. On the general question, as well as on the first draft and proceedings of the Sudder Adawlut, I have already stated my sentiments.

(Signed) R. FULLERTON.

Madras, 27th April 1816.

MINUTE *of* ROBERT ALEXANDER, Esq.

Dated 29th April 1816.

Mr. Alexander's Minute, 29 April 1816.

I am disposed to concur with Mr. Fullerton in opinion, that the revised Regulations, as submitted by the Commissioners, require yet farther consideration before they are promulgated, and that, for the reasons he has stated, it is particularly desirable and expedient that they should be submitted to the Supreme Government.

I only received the Regulations with the minute of our Right Honourable President yesterday evening, and have not, of course, had time even cursorily to peruse them; nor have I had the advantage of making myself acquainted with the sentiments of Mr. Fullerton, recorded in the papers to which he alludes in his minute of the 27th. Under these circumstances, I am not prepared to give my consent to the immediate promulgation of the Regulations.

(Signed) ROBERT ALEXANDER.

29th April 1816.

MINUTE *of the* PRESIDENT,

Dated 14th May 1816.

President's Minute, 14 May 1816.

In a minute of the 25th of April, I submitted to the Board a correct copy of the Regulations framed by the Commissioners for the revision of the judicial system, and I proposed that the said Regulations should be passed and promulgated.

Mr. Fullerton, in a minute of the 27th of April, and Mr. Alexander in one of the 29th, having suggested the expediency of a further delay, I readily consented to this, for the purpose of affording the members of the Board more ample time for the consideration of the Regulations. Mr. Fullerton has since been pleased to communicate to me, and to the other members of Council, the accompanying draft of a projected minute, proposing certain amendments and alterations to the Regulations.

With his permission I have furnished a copy of this draft to the Commissioners themselves; and in consequence of my further discussions with them upon the points alluded to, I have the satisfaction to observe that the Commissioners do not consider that certain of the amendments and alterations brought

brought forward by Mr. Fullerton will militate against the general spirit and tenor of the Regulations, but, on the contrary, that in some instances they may be adopted with advantage, and that they will contribute to the perfection of the judicial system the regulations are calculated to establish.

President's Minute, 14 May 1816.

I therefore propose, first, that the Regulations be passed with the amendments, as stated in the Memorandum A.; secondly, that the Regulations be returned to the Commisssioners, with directions to insert the amendments contained in the Memorandum A., and to forward them in that shape to the Superintendent of the Government press; thirdly, that orders be sent to the Superintendent of the Government press to print the Regulations in communication with the Commissioners, and to send them the proof sheets for revision and the correction of errors; fourthly, that in Section 2d of the Police, the blank left for the insertion of the date of the transfer of the Police to the Collectors be filled up with the words "11th of July 1816."

(Signed) H. ELLIOT.

Fort St. George, 14 May 1816.

MINUTE *of* ROBERT FULLERTON, Esq.
Dated the 8th May 1816.

Mr. Fullerton's Minute, 8 May 1816.

1. I HAVE attentively considered the amended drafts of the Regulations submitted by the Commission and the report which accompanied them. They seem to have availed themselves with much advantage of the suggestions and remarks of the Sudder Adawlut, and also of the opportunity afforded by the reference, of reconsidering other points not remarked on by that court. The exclusion of real property from the jurisdiction of the village Moonsiffs removes many difficulties; and the declared liability to prosecution for corruption, or for acts done by them unauthorised by the Regulation, interposes that salutary check required against abuse, and supplies the material defect in the first draft. The admission of trial by punchayet only in cases when both parties consent, instead of the right originally given to one party to have the cause adjudicated by that process, is a considerable improvement. On the whole, I think the delay which has taken place more than compensated for by the amendments that have resulted, for had the Regulations been at once promulgated, they must have gone forth in a comparatively imperfect state. There still, however, appear a few omissions and objectionable provisions, which will be found detailed in the annexed Statement D. With the alterations there proposed, the Regulations are, in my judgment, as perfect as they can be made, and in strict conformity with the orders and intentions of the Honourable Court.

2. Of the first part of the report it is unnecessary to take much notice, being confined to the explanation given in support of the alterations of the draft. Some observations are however made, which not being supported by experience, might as well have been spared; such, for example, as that contained in paragraph 8. "That the petty causes which will come before the "village Moonsiffs have originated since the establishment of the zillah courts, "and have been accumulating ever since, from the difficulty and expense of "trial being greater than the matter was worth." All this is mere assertion, the authenticity of which yet remains to be determined by the test of experience. That the system of punchayet, pursued before the introduction of the judicial system, was utterly inadequate to the demands of the country, is a fact which stands incontrovertible, from the deluge of causes that overwhelmed the courts at their first opening, embarrassed their proceedings, and, in fact, produced many of those evils that have since been erroneously ascribed to the judicial system. It is unnecessary, however, to pursue this course of reasoning further, since a few years' experience will set the matter at rest for ever.

3. It only now remains to notice the concluding part of the report of the Commission, in support of the employment of renter or casual manager of villages as Moonsiffs. After the most attentive consideration of all the arguments

Mr. Fullerton's Minute, 8 May 1816.

ments there adduced, my sentiments remain the same as formerly expressed. It is impossible, indeed, to read with attention the paragraphs 34 to 54 of the Honourable Court's letter, without perceiving that the whole system is founded on the maintenance of the ancient municipal village system, where such still exists, or its revival where it has lapsed. It is the preservation or restoration of the office of Potail in its pristine form and with its primitive functions, and not the transfer of those functions to the casual renter or temporary collectors of the rents, that is the object of the Honourable Court.

4. The principle adopted by the Commission is not only contrary to, but completely subversive of the plan in contemplation of the Court of Directors; for if the whole functions of the office are to go with the person who collects the rents, then certainly the Zemindar, who has power to send even a Pariah to perform that duty, holds in his hands the complete control and supremacy over the judicial and police functions of the village Moonsiffs, and can, through the exercise of distinct proprietary right, displace the head inhabitant when he pleases, and subvert the whole system. In the Northern Circars, for example, there does still exist the office of Pedda Caupoo Naidoo, or head inhabitant, in every village; to that person the Moonsiff pottah must be granted, whether he is the renter, manager, Collector of the village, or not. To allow the Zemindar to displace him, by sending a manager to the village to collect the rents, is to destroy, not confirm, the ancient institutions of the country. If the pottah or sunnud of authority be given to him by the Collector, the village servants will obey him; and it rests with the Zemindar, if he pleases, and as he will find it his interest to do, to employ him also in the revenue duties of the village. To allow the selection for the office to rest on revenue duties alone, is to sacrifice principle to practical convenience, to prefer the secondary to the primary consideration, and to transfer to the Zemindar a power of selection, where the office is already filled by the person the Honourable Court describe. On this part of the subject I beg to refer to the 82d, 83d, and 84th paragraphs of the Honourable Court's letter. The Court, in these paragraphs, allude to the over-weening authority and arbitrary sway of Zemindars; they mention the feeble operations of Darogahs and Peons towards the support of the magisterial authority; and they expressly refer to the re-establishment of the village police system, as the most efficient means of maintaining that authority. But in what degree could the authority of the magistrate be promoted, if the Zemindar could, whenever he pleased, displace the principal instrument by sending a hireling servant to collect the rents of the village.

5. The confirmation or re-establishment by a public enactment of the municipal office of Potail or head inhabitant, may certainly, by the interposition of local respectability, prove a powerful instrument in checking the tendency to extortion and injustice, supposed to be practised by Zemindars and renters over inferior tenantry, and which form an invariable topic in every revenue dispatch. But that salutary effect, instead of being promoted, must be effectually retarded, if Zemindars are to have the selection. What the Commission observe in the 44th paragraph of their report may be true, namely, "that the adoption of the rule will not introduce many changes to the office "of Moonsiff; that the ancient heads of villages are *now* employed by new "proprietors." But we are not to consider only the case as it now stands, but what it may become, under the operation of the Regulations which we are about to pass; for it must be recollected, those Regulations do not embrace the single act of transfer, but will have prospective and permanent operation; and if they provide that not the ancient head men, but the acting revenue manager or collector, is to be the Moonsiff, with extensive judicial and police powers revived in his person, it is easy to foresee that inducement for changes may often arise. Those changes the Regulation as it now stands must sanction and support, is likely, therefore, to produce all the effects contemplated by the Sudder Adawlut. At the close of paragraph 43, the Commission remark: "We are therefore of opinion, that the person who collects the rents, "directs the village servants, manages the public business, and in effect exer- "cises all the functions of the head of the village, must be the village Moonsiff, "whether he be the ancient head or a new renter, proprietor, or agent." This opinion completely sets aside all the considerations urged by the Honourable

Mr. Fullerton's Minute, 8 May 1816.

able Cou[illegible] the ground-work of the system. It vests all the powers of the office of [illegible]iff in the temporary manager; and if this opinion corresponds with that of the Honourable Court, there was little use for the quotations that introduced the system to our notice, for they are all completely superseded. The reasoning of the Commission amounts to this: He that manages the village for a time is Potail for a time; the Potail must be the Moonsiff; he that can give and take away the revenue management can make or unmake the Potail, and consequently make or unmake the Moonsiff.

6. In all districts where I have had the means of local observation, I have reason to believe the office of head man to exist as described by the Honourable Court. There is no necessity for substituting the renter or manager in his place; and in many parts of the country, I believe, the same description will be found, and probably the hereditary head inhabitant is now also the managing revenue officer. I admit, generally, the correctness of the principle on which the system is founded; but I deny that the Section 3, as the Commission have written it, is calculated to maintain that principle; for admitting that hereditary heads of villages are now, in most cases, renters or revenue managers, there is nothing in the Regulation that secures their continuance in that capacity. It makes municipal government, that is village police and justice, follow revenue as a secondary consideration, instead of preceding it; for if, as I think the Court of Directors intended, the police and judicial functions were vested *ex officiò* in the hereditary head inhabitant, it would be for the obvious interest of the Zemindar to let revenue management go along with it, or if he did not he must suffer the inconvenience; but if, on the other hand, the function of police and justice rest on revenue management, they will probably be led far, very far from those whom the Honourable Court describe as the native gentry, "the permanent authorities of the country." For these reasons it appears to me, that the term *renter* or *manager* of a village should not be inserted, as conferring the office of Moonsiffs, but that the investiture should rest entirely on hereditary claims to the office described by the Honourable Court.

7. Against the tendency to abuse urged by the Sudder Adawlut to exist in the Potail or renter, in capacity of Moonsiff, the Commission invariably answer, that if parties are averse to his jurisdiction they can go to another tribunal. This appears plausible, certainly: but the plural number is used instead of the singular. Parties are plaintiff and defendant, between whom there does not always subsist a similarity of sentiments; against one of them, defendant, the jurisdiction is compulsive, he therefore has not the option of going to another tribunal. The argument used by the Commission would be conclusive, certainly, if the powers of the head inhabitant were those of arbitrator only, like the punchayet, authorized to act only when both parties assented to his decision. Again, it is argued that the head inhabitant or manager can have little inducement to partiality, in cases of ten rupees between Ryot and Ryot; but it seems to be forgotten, that other classes exist in society. Weavers, for example, who buying their grain from the Ryot, will generally be defendant under a ten rupees suit; and paying no revenue to the village manager, he can hardly be considered as strictly impartial, for in that case he has a decided interest, inasmuch as the realization of the rent may probably depend on recovering money from the weavers, against [illegible] the jurisdiction is not optional but compulsive.

8. In the [illegible]cond paragraph, the Commission remark as follows: "The Court kno[illegible]ctly well, that the village institution varied more or less in every provi[illegible]that in some they were extremely imperfect, and that in many cases [illegible]had been broken up by our revenue systems, and the Potails set aside to make [illegible] for renters." All this is perfectly true, and it was exactly on this ground [illegible] the resolutions of Government of the 1st March 1815 were framed. It wa[illegible]ht proper that local investigation and report should precede the promulg[illegible] [illegible]e Regulation. Before a Regulation was framed, equally binding in ev[illegible], it was considered desirable to know how far those alterations had b[illegible] carried, and it was considered not absolutely impossible that ancient institutions might have been so far subverted in some districts, as to render the immediate introduction of the system proposed unadvisable, or even impracticable.

9. In

Mr. Fullerton's Minute, 8 May 1816.

9. In the propriety of those resolutions I still concur. I consider them strictly warranted by those principles of prudence and caution that ought invariably to accompany the introduction of new, or revival of ancient and long dormant institutions; nor can I believe it to have been the intention of the Honourable Court that due caution was to be dispensed with, by too sudden and precipitate an alteration in the system of civil government.

10. Those resolutions were communicated to the Commission on the 1st March, repeated on the 13th May and 4th August; and although I do not mean to attach any blame to the delay, for I am aware of the difficulty of obtaining correct information from a distance without frequent reference and communication, still I must say it was not, in my opinion, right to press on Government the promulgation of the Regulation, before they had communicated the points of information required to precede it.

11. I am aware, however, of the necessity of preventing any delay, not absolutely unavoidable, in carrying into execution the orders of the Honourable Court. As it appears all the reports of the Collectors have not been received, I shall be prepared to assent to the promulgation of the Regulations in any district or division, where it is made to appear, from the result of the inquiry by the Commission, that no serious impediment presents itself against carrying the system into immediate execution.

12. The progressive introduction is, indeed, better calculated to ensure success than the sudden and general promulgation of the Regulation. If the system is to be introduced through the agency of the Commission, the introduction every where cannot well be simultaneous. The measure I propose would render it unnecessary to delay proceeding during reference to the Supreme Government. Some time must be taken up in the translating and printing of the Regulations; and if the papers should be immediately sent to Bengal, and if any part of the proceeding be considered inexpedient by the Right Honourable the Governor General in Council, their sentiments may still be received, before we have proceeded so far as to render retractation inconvenient.

(Signed) R. FULLERTON.

Fort St. George, 8th May 1816.

MINUTE *of* ROBERT ALEXANDER, ESQ.

Dated 17*th May* 1816.

Mr. Alexander's Minute, 17 May 1816.

The urgent and decisive tone of the orders of the Honourable Court of Directors, conveyed in their judicial letter of the 29th April 1814, as well as the expense attending the mode of carrying them into execution, which they have themselves prescribed, seem to preclude any attempt to combat the principle of those orders, with a view to oppose the introduction of the measures which they have directed to be adopted.

The Government appear to have little more to do than to superintend the introduction of the new arrangements; a duty, however, of the highest importance, as it becomes necessary in the Regulations to be made for this purpose carefully to observe, not only that their provisions shall be, abstractedly considered, adequate to the object of their enactment, but that their effect, as far as is consistent with that object, shall involve no unnecessary deviation from the principles, or embarrassment to the operation of the present system, which, whatever may be its defects, has been found of eminent utility to the public, and which it is the declared intention of the authorities at home not to abrogate but to improve.

The Commissioners for revising the system of internal administration were, no doubt, in their labours, influenced by an attention to this necessary caution; but still a due observance of the principle, on the part of Government, rendered it a duty absolutely incumbent on them, to require the submission, in the first instance, of the drafts of the proposed Regulations through the Sudder Adawlut;

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lut; the established authority for the ultimate revision of all legal enactments by Government, and the only department considered competent, from its duties and information, to preserve complete and efficient the general code of Government, by preventing the discrepancies and contradictions which must inevitably arise, if the rules submitted through the various departments of the Government were not subjected to one common channel of revision.

The duty thus devolving on the Sudder court must, from its very nature, require great deliberation in its execution, which is hardly consistent with any great degree of celerity. To compose a Regulation for any specific purpose, must almost always be a much more easy and quick task, than to prepare it ultimately for promulgation; and I am of opinion, that to this period, no time has been unnecessarily lost, in introducing the several arrangements desired by the Court of Directors.

The Court, in the fourth paragraph of their letter, distinctly express their conviction of the fitness "and wisdom of proceeding with due caution and care "in the adoption of any material alterations in existing systems of government, "and the mischiefs which too often result from innovations in matters of such "important and delicate concern." It is true, that the sequel of the paragraph would imply their opinion, that their proposed measures were scarcely to be considered as innovations, and an inference may be thence drawn, that less caution may be necessary. It must, however, be admitted, upon their own principle, that caution in any measure becomes necessary, in the degree in which that measure is an innovation; and I confess I am disposed to view the plans proposed by the Commissioners, in execution of the orders of the Honourable Court, however salutary, as involving innovation, to a much greater extent than they appear to apprehend.

My local experience, I am very ready to admit, has been confined to very narrow limits, the whole of my services upon this coast having been confined to two districts of the Northern Circars, a great part of which is held on ancient zemindarry tenure: I should, therefore, be very sorry to be considered as putting my general knowledge or opinions in competition with those of the high Revenue Authorities quoted by the Honourable Court; but it is the duty of every servant, placed in my situation, to give the opinions resulting from a consideration of facts that have come under his observation.

In the part of the country above alluded to, head inhabitants were to be found in all, or nearly all the villages, under the designation either of Naidoo, Pidda Caupoo, or to the northward in the Ganjam district, Caugee; and among these, I am ready to admit, there were several of influence and respectability in their villages, and who might be properly employed in settling the differences and pecuniary disputes of the inhabitants: but, on the other hand, so many were of a different description, and so unfit for the duties it is now proposed to entrust to the village Moonsiff, that I cannot help anticipating evils from an act of Government declaring at once that all heads of villages are, by virtue of their office, to assume the duties and authority of that situation. I should accordingly feel disposed to recommend, that to preserve the principle, the office of head inhabitant should necessarily imply the eligibility to that of Moonsiff; but that none should be permitted to officiate in that situation, until previously furnished with a pottah by the Collector. The issue of such pottah is provided for in Clause [illegible], Section 3, of the Village Moonsiff Regulation; but it is only in case of a selection being necessary from among several head inhabitants. I think it would be far preferable to issue it in all cases.

It is true, that prior to the introduction of the judicial system, the head inhabitants were in the habit of sometimes exerting the influence they possessed in their respective villages in settling the disputes of the inferior Ryots. Their employment in these duties was, however, rather casual than regular. They were sometimes exercised on reference from the Collector; but excepting on such occasions, and when confirmed by him, their decisions were never considered as law: they were constantly appealed against to the European authority, whose decisions alone were considered to have the force of law; and the mere transition from a moving cutcheree to a fixed court did not, I am convinced, surprise or shake the confidence of the natives, nor was by them considered so great

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great an innovation as, in many parts of the country, will be the giving original and final jurisdiction to the head inhabitants in cases of property, even to the amount of ten rupees.

I do not wish, by these observations, to oppose the plan of employing the head inhabitants as Moonsiffs. I am an advocate for extending the native agency to the utmost in their judicial and municipal concerns; but I confess, that from my experience of the duties of head inhabitants, as I have seen them exercised in the districts committed to my charge (and I have had a good deal of intercourse with them) I should not have considered myself justified in representing them, as Colonel Munro has those of the Ceded Districts, in the light of Judge, Magistrate, and Collector, even of their petty communities. To make them so, in a certain degree, may be beneficial, but it will certainly be (in many parts of the country at least) an innovation.

I come, however, to what I consider a still greater innovation, and what appears to me to be repugnant to the principles laid down by the orders of the Court of Directors, and contrary to the general tenor of the information upon which those orders were founded.

The Potail, and in general the person, whether under that or any other designation, at the head of the villages, is considered an hereditary officer, superintending the agricultural economy of the village. The rights and duties, revenue and municipal, as represented by Colonel Munro, are all stated to be hereditary; and although the latter certainly have appeared to me more circumscribed in their extent than has been represented, the situation has been considered to descend in the same family, and to be forfeited only by misconduct. Zemindars may doubtless, in this as in other cases, have occasionally displayed their caprices, and removed head inhabitants upon slight or groundless pretences, but the succession was in general respected.

At present, from the provision of the proposed Moonsiff Regu[illegible] would appear intended that the office of Moonsiff should follow the rent of the Government revenue in the village; an innovation, as far as my experience will enable me to judge in the case, of the greatest importance.

I am well aware that, in the Ceded Districts, the influence of the Potail has been represented to be of that extensive nature, that it was considered as a general principle, dangerous to the revenues of Government, to allow any person to rent the village, who was not either Potail himself, or joined with the Potail in the lease; and, in consequence, Government, at the suggestion of the Board of Revenue, adopted the very strong, but as was believed, necessary measure, of sanctioning the eventual removal of such Potails as refused, either singly or jointly, to be concerned in the lease of their villages.

The policy or necessity of this measure I should be slow to doubt, considering the authority from which it originated; but the circumstance forms a convincing proof of the different degrees of influence attached to the situation of head inhabitants in different parts of the country, as in the Northern Circars. As far as my experience goes, the rent by a stranger, even of a single village, was never considered to involve the removal of the Naidoo, who during the lease was supposed, in his superintendence of the rural economy of the village, to support and secure the interests of the renter, as under aumanee or ryotwar management he would that of the Sircar. The Naidoo, in fact, was the head Sircar servant in the village; and though, in case of rent, [illegible] often concluded with him, it was not considered as a measure of necess[illegible] indeed of very material importance to the revenue.

In a great proportion of the villages of the Ceded Districts, the very extensive enaums of the Potails give them a preponderating influence, by rendering them powerful competitors with the Government renters for the labour of the under Ryots; and hence chiefly, I believe, has arisen the necessity of including them in any engagement for leasing the land revenue of the Government, or for resorting to the alternative of removing them temporarily, at least from their situations.

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The latter, I am happy to say, has taken place in very few instances, for the measure certainly involves a degree of harshness, which should, if possible, be avoided; for though, strictly speaking, servants of the Sircar, they have a right from ancient usage and inheritance which should guard them, except in cases of the utmost urgency, from a removal, on the ground of mere expediency or without proved delinquency.

"In order strictly and effectually to carry into effect the orders of the Honourable Court of Directors, it appears to me essential that the head inhabitants, wherever they may now exist, or whenever they may be subsequently established, should be maintained in their stations; which, for the duties expected from them to be successfully executed, should be confirmed, and independent either of the renter or renter's agent. Unless this be done, and if every temporary [illegible] of the renter of revenue be admitted *ex-officiò* to the situation, where are we to look for the boasted advantages attributed to the services of the head inhabitants by the Court, in the thirty-sixth paragraph of their letter: their influence over the inhabitants in times of disturbance, from being considered their "natural and permanent superiors," and their peculiar qualifications, arising from their knowledge of the "general concerns of their villages "and the character of every one within them," acquired "from the particular "relation in which they stand to the people?"

In the territories of the Company, the revenues of which are unsettled, we may, no doubt, by an adherence to the ryotwar system, insure the services of the Potails and head inhabitants as Moonsiffs, even under the provisions of Section 3, of the proposed village Moonsiff Regulation, which will, under that system, not affect them; but the operation of that regulation is proposed to be universal throughout the territories under this presidency; and must, in consequence, be in force, as much where the direct interests and influence of the Government in the revenues of the lands have been permanently transferred, as where they still exist.

In these parts of the country it is not in the power of the Government to enforce the observance of the ryotwar system of revenue. There, it is probable, in general the ancient system of village rents will be found to exist; a system which will, I believe, be found to be of as great antiquity as the tehsildary management of the Ceded Districts. In general, these rents will be concluded with the head and other inhabitants jointly, and sometimes include the Curnam; but if this be not the case, and if they should occasionally be rented, either singly or in mootahs, to strangers, the circumstance will not be found, in general, to affect the situation of head inhabitant. To suppose that it must, of necessity, do so, is to suppose that the renter must necessarily take the place of the Naidoo or Potail, which is far from being the case. The renter does not rent the rights of the Potail but those of the Sircar, which are entirely distinct and independent. The renter, in fact, is placed, as regards the Potail, in the place of the Tehsildar or representative officer of Government. It has been urged, I know, as I have before stated, that the influence of a Potail of a rented village, having no concern in the rent, might, either from his intrigues or neglect, embarrass and impede the revenue affairs of the village, greatly to the detriment of the Government and their renter. Too much weight has, in my mind, been given to this argument: as Potails, they are servants of Government, with important revenue duties to fulfil; and if they palpably neglect these duties, they are of course liable to removal, and I think the great interest they have at stake will, in general, ensure their fidelity to the Sircar.

I have said thus much to support my opinion, that the circumstance of a village being rented to another than the head inhabitant need not, of necessity, involve the privation, on the part of the head inhabitant, of all his duties and authority.

Judging from the tenor of the third section of the proposed Moonsiff Regulation, there is an apparent desire of accommodating the judicial to the revenue system, and making the objects of the one rather secondary and subservient to those of the other: a principle, certainly, as diametrically opposite as possible to the one that was supposed to actuate and pervade the judicial system so long established,

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established, which was that of separating and rendering distinct the judicial functions and authorities from those of the fiscal department.

The advantages of adhering, as far as circumstances will admit, to the latter principle, are, I believe, generally admitted, and it would certainly be desirable, if possible, to preserve distinct the duties of the two departments, from the highest to the lowest functionaries of each. This perfection of the system is however, scarcely attainable, consistent with the employment in judicial matters of the agency of that class of people pointed out, and prescribed to the Government by the Court of Directors; and I am ready to admit, that the many important qualifications which they possess, from their local knowledge and respectability, and from the habitual deference which their situation is likely in many cases to have established in the minds of the inhabitants, constitute advantages which may be supposed to counterbalance the objection arising from their being concerned in the management of the revenues, even though they should occasionally farm them from Government; but to select a person for the judicial office of Moonsiff, expressly on the score of his holding the situation of renter, or renter's agent, is, I confess, in my mind, to give him a preference, on account of his possessing what ought, abstractedly considered, to constitute, in a certain degree, a disqualification.

Entertaining these sentiments, I think it my duty to state my objection to admit the proposition of the Commissioners, of declaring every resident village renter, or every village renter's resident agent, to be *ex-officio* head inhabitant, and consequently Moonsiff of such village. Such a proposition is not warranted by any thing that I can discover in the letter from the Court of Directors. On the contrary, in every passage of that letter referring to the subject, there is a marked desire to support and uphold the character of the persons whom they point out as proper for the village judicial offices, which it is the obvious tendency of the measure in question to confound and degrade.

I am not altogether unaware that the provisions of Regulation XVI. of 1802 may be urged, as opposing the objections I have suggested to the appointment of revenue managers to the office of Moonsiff; but the two cases appear to me to be widely different. In the one, a large body of extensive landholders and farmers, high revenue officers and substantial tradesmen, are pointed out to the notice of the Judge, as likely to possess the greatest influence and respectability, from among whom he is to select such as he thinks, from character and talents, best suited for the office of Commissioner; in the other, the single circumstance of managing the village revenue is declared to be a sufficient qualification, and to do away the necessity of selection altogether.

In the foregoing remarks, I have stated my objection to what appears to me a defect in the propositions of the Commissioners, as militating both against the spirit and letter of the orders of the Court of Directors. My objection applies to the village Moonsiff Regulation, which may, in fact, be considered as the groundwork of the whole.

To this time, the Government has not received from the Commissioners any specific report upon the points to which their attention was particularly called in the proceedings of Government, of the 1st March 1815, with a view to their being ascertained previously to the preparation of the Regulation for village courts. The difficulty of ascertaining with accuracy the points in question, throughout the whole of the territories under this presidency, might be likely to occasion a delay, inconsistent with the expectations of the Honourable Court; and on this account, I think, the promulgation of the Regulation might be admitted, without waiting for the report; but, in this case some alteration of the Regulation, as it now stands, appears to me to be necessary.

The operation of the Regulation, as it now stands, is declared universal throughout the territories under this Government; at least no provision is made for any exception, although Government is as yet in ignorance whether the fitness, or even the existence of the instruments whereby it is proposed to be carried into execution has been ascertained. This appears to me a defect, but one of easy remedy; and for the purpose, I would with deference propose, that while the principle of the Regulation should be declared universal, its immediate

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mediate active operation should be made conditional, at least so far to depend on the sanction of the local authority, that no head inhabitant should enter upon the duties of the office of Moonsiff until furnished with the Collector's pottah, which would, in that case, be issued in all those parts of the country where the proper instruments for its execution might be found to exist.

In some parts of our territories, particularly Malabar and Canara, few or no village communities are to be found; I would, therefore, suggest the propriety of a clause being inserted in the Regulation, providing for the exercise of the authority of Government, in nominating, in certain situations where persons answering the description of head inhabitants might not be found, others to supply the place of that description of people.

The above appear to me the most desirable alterations to the Village Moonsiff Regulation, and such as I consider might be introduced without any departure from the principle of its enactment.

The general detailed provisions of the different Regulations appear to me unobjectionable; but there are one or two points in which, in my humble judgment, they are open to amendment, and which I shall accordingly proceed to detail.

Regulation I.

I have sufficiently expressed my opinion respecting the third section of this Regulation, which, I think, should be so altered as to exclude altogether the appointment *ex-officiò* to the situation of head inhabitants, the renters or revenue managers, confining the selection to the principal inhabitants of the village.

In Clause 3, Section 4 of that regulation, "gross partiality" has been accidentally omitted, from the proposed admissible grounds of appeal from the decision of the Moonsiff.

In Section 22, the village Moonsiffs are referred to Regulation XXXIV. of 1802, for their guidance in the admission of interest on the claims brought before them. It appears to me that it would answer the purpose better, either to quote the Regulation, or to abstract its substance in this clause, so that nothing might be left to the Moonsiff's reference.

Regulation II, for Village Punchayets.

In Clause 5 of Section 4 of this Regulation, a provision should be made for delivering, or allowing to take, a copy of the plaint, which has, I apprehend, been accidentally omitted.

By Clause 4, Section 11 of this Regulation, it is directed, that "if the partiality charged against the punchayet shall be established, to the satisfaction "of the Judge, by the oaths of two credible witnesses at the least, he shall "submit his proceedings, with his opinions on the case, to the provincial "court of appeal, who, provided the charge be proved by such proceedings to "their satisfaction, shall annul the decision."

On this I would remark, that I do not perceive the grounds for circumscribing the jurisdiction of the zillah Judge more in his decisions, in cases of appeal from the proceedings of punchayet, than in any other, more particularly as, in these cases, a negative voice is all that he can give, and the parties are left to choose the course of their further prosecution of the suit. In the case of the punchayet decisions regarding boundaries, final power is given to Collectors, by Clause 1, Section 9, Regulation VI, to set aside the decision on proof of partiality. This additional authority beyond that of the Judge, the Commissioners explain, is given in consequence of the local knowledge of the Collector. I do not think the reason for the distinction is sufficient. It would infer a greater local knowledge in the provincial court than in the zillah Judge, which may very often not exist; and while the reference must occasion loss of time, and in small cases is degrading to his authority, I am of opinion that the zillah Judge, like the Collector, should have the power, on proof to his satisfaction of corruption and gross partiality, to set aside the decrees of the punchayets, at least to the extent to which his jurisdiction is by Regulation limited, in ordinary cases of property.

Regulation

Regulation III, District Moonsiffs.

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In Section 27 it is provided, that with the consent of one party it shall be permitted to decide causes by the oath of the other. This is certainly customary among natives, and I think, notwithstanding the objections of the Sudder court, might be admitted in the native tribunal; but as the jurisdiction of district Moonsiffs admits of appeal, a clause should be inserted, confining the mode of settlement described in this section to suits for an amount not appealable, or prescribing a written declaration from the party admitting the decision by the oath of the other, that such decision should be final, and without appeal.

Without such a precision, every appeal in the cases supposed must carry with it a charge of perjury.

Regulation V, Sudder Aumeens.

I am of opinion that the reasons assigned by the Sudder Court, for not appointing the Hindoo law officers of the provincial courts to be Sudder Aumeens in the zillah in which they are stationed, although not noticed by the Commissioners in this last report, are valid and decisive against that measure, to which I must therefore object.

Regulation VI, Boundary Disputes.

Upon the same principle that boundary disputes are referred to the Collector's jurisdiction, aided by village or district punchayets, I would recommend that disputes concerning water be also referred to the same tribunal. From experience I can say, that disputes on the latter subject give rise to as frequent broils and disturbances, and require as accurate local investigation for their adjustment, as those provided for in the Regulation, which might easily be modified so as to embrace the object I propose.

I concur in opinion with the Sudder Adawlut, that for the purpose of rendering effectual the operation of Regulation VI, it will be very expedient, if not necessary, to rescind Sections 2 and 3 of Regulation XXXII of 1812. The declaratory provisions of those sections are positive; and if they be not rescinded, it appears to me that occasion will be given for the collision of two authorities, as the same cause of dispute will be often referred to two separate tribunals, independent of each other, but with concurrent jurisdiction in the case.

Regulation VII, Police.

Considering how many duties of Magistrate are to be transferred to the Collectors and their Assistants, under the provision of this Regulation, I think the administration of the oath proposed by the Sudder Adawlut to be proper.

The Commissioners, in the new draft of this Regulation, have given force to the zillah Magistrate's warrant to the Police officers, within the limits of the village or township where the court is situated. This is an improvement; but in reference to the duties which he still has to perform in the administration of criminial justice, I am of opinion that it is expedient to increase this authority, and to give him a discretional authority in cases of heinous offences, where he may deem it necessary to issue his warrant to any Police officer, reporting at the same time the circumstance to the Superintendent.

(Signed) ROBT. ALEXANDER.

17th May 1816.

EXTRACT JUDICIAL LETTER *from* FORT ST. GEORGE,
Dated the 26th September 1816.

Judicial Letter from Madras, 26 Sept. 1816.

Par. 2. We have since had the honour of receiving your Honourable Court's letter of the 20th December 1815, in which you communicated to us your sentiments with regard to the measures adopted by us for carrying into effect your orders

Judicial Letter from Madras, 26 Sept. 1816.

orders of the 29th of April and 4th of May 1814, in so far as you had at that period been informed of our proceedings on the subject, and furnished us with your further instructions on some particular points, respecting which your former orders appeared to have been misunderstood.

3. The papers referred to in the ninety-seventh paragraph of our last dispatch from this department, together with those which accompanied the letter addressed by our Secretary to Mr. Secretary Cobb, under date the 29th of June last, will have afforded full information to your Honourable Court with regard to the further measures which had been adopted under those orders, previous to the receipt of the dispatch under reply.

4. Having taken that dispatch into consideration at our meeting of the 25th of May last, we then adopted the following resolutions: first, that the dispatch should be communicated for the information of the Commission for revising the Judicial system; secondly, that the Commission should be directed to suspend the printing of the Regulations which had been passed respecting boundary disputes and the police, and to frame other Regulations in their room, conformable to the instructions of your Honourable Court, and submit them to Government; thirdly, that a copy of the seventh paragraph of your Honourable Court's letter should be circulated, for the information of all the local Authorities.

5. Your Honourable Court's dispatch, together with the foregoing resolutions, having accordingly been communicated to the Commission, the printing of the police and boundary Regulations was immediately suspended, and the drafts of three new Regulations were prepared and submitted to us by the Commission, having the following as their titles:

1st. A Regulation for reducing into one Regulation certain rules which have been passed regarding the office of zillah Magistrate, for modifying and defining his power, and for transferring the office of zillah Magistrate from the Judge to the Collector of the zillah.

2d. A Regulation for constituting the Judges of the courts of Adawlut of the several zillahs criminal Judges of their respective zillahs, and for defining their powers.

3d. A Regulation for the establishment of a general system of police throughout the territories subject to the Government of Fort St. George.

6. These drafts of Regulations, accompanied by a letter from the Commission, having been laid before us at our Consultation of the 8th July, we caused a copy of your Honourable Court's letter of the 20th December last, together with copies of the three proposed Regulations, and a copy of the letter of the Commission, to be transmitted to the Foujdarry Adawlut. We at the same time thought it proper to direct, that in revising these drafts, the Foujdarry Adawlut would abstain from all discussion with regard to the principles laid down in the letter of your Honourable Court, which, it was observed, were to be their guide; and as it was considered of great importance to avoid delay, we desired that their report should be submitted within a period not exceeding fifteen days from the receipt of the letter in which our orders were communicated to them.

7. The report of the Foujdarry Adawlut, contained in an extract from their proceedings, which accompanied a letter from their Register, dated the 29th of July, was laid before us by our President, at our Consultation of the 7th of August, and on the recommendation of our President was referred to the Commission for their consideration and report.

8. Mr. Fullerton at the same time recorded a minute, in which he signified his assent to the transmission of the proceedings of the Foujdarry Adawlut to the Commission for their consideration and report; but remarked, that the express object for which the proposed Regulations were sent to the Foujdarry Adawlut, the revision of their several provisions in detail, had not been obtained, and that, therefore, whatever alterations should be made by the Commission, they ought still to undergo that revision. Mr. Fullerton also alluded to the necessity of obtaining the report of the Foujdarry Adawlut, on the points submitted to them in our proceedings of the 1st of March 1815.

9. In

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9. In acknowledging the receipt of the proceedings of the Foujdarry Adawlut, on the subject of the three Regulations proposed by the Commission, we took occasion to intimate to them our desire to be furnished, at as early a period as possible, with their proceedings on Articles 11, 12, 13, 14, 15, and 16 of our proceedings bearing date the 1st of March 1815, as much inconvenience was experienced from the want of them.

10. A reference has been made to the Board of Revenue, at the suggestion of the Sudder Adawlut, for the purpose of ascertaining whether, in framing the provisions of the draft of the Police Regulation, due attention has been paid to the public obligations contracted in forming the present arrangements with regard to the Police collections, in Tanjore and in the zillah of Chingleput.

11. At our consultation of the 7th of August, our President called our attention to the orders contained in the fourth paragraph of the letter from your Honourable Court, dated the 20th December 1815, respecting the allowances received by Colonel Munro, the First Commissioner; and, with the view of giving effect to those orders, proposed that, agreeably to the precedent of Mr. Dick, when he held the office of General Superintendent of Investment, Colonel Munro should, from the date of the receipt of those orders, be permitted to draw the sum of five hundred pagodas per mensem, in lieu of all travelling and other necessary expenses, but that this allowance should be made subject to the approbation of your Honourable Court.

12. We resolved to adopt the measure proposed by our President; and orders have, accordingly, been issued for carrying it into effect.

13. Mr. Fullerton, however, dissented from the resolution of the Board, and recorded the minute referred to in the margin,* explanatory of his view of the orders contained in your Honourable Court's letter, and of the manner in which he conceived that they ought to be carried into effect.

14. Having brought to the notice of your Honourable Court the measures adopted by us, in consequence of the receipt of your letter of the 20th December last, we have now the honour to report such of our late proceedings, connected with the business of the Commission, as have not had their origin in the orders conveyed by that letter, but have been adopted in prosecution of the resolutions we had already formed, in so far as those resolutions appeared conformable to your recent instructions.

15. The several Regulations, drafts of which were transmitted to your Honourable Court with our Secretary's letter of the 29th of June last, having, with the exception of the two respecting boundary disputes and the Police, been printed, under the direction of the Commission, in pursuance of our resolution of the 17th of May, copies of them were circulated, in the usual manner, to the several local officers of Government. A circular letter was, however, addressed to the local officers,† desiring that those Regulations should not be acted upon, until certain preliminary arrangements should have been carried into effect, of which they would receive due notice from the Commission; and the Commission were furnished with a copy of the letter, and were desired to report, first, the means which, in their opinion, ought to be adopted for carrying into effect the Regulations proposed by them, and secondly, the number and the pay of the district Moonsiffs, which they thought would be required in each zillah.

16. At our consultation of the 22d June, there was laid before us a letter from the Commission, stating their opinion that Regulation VIII. of 1816 (the Regulation for the appointment of the Hindoo law officers of the provincial courts to be Sudder Aumeens) might be immediately acted upon; and we accordingly caused circular instructions to be issued to the several local authorities, directing them to carry that Regulation into immediate effect.

17. In compliance with a recommendation submitted to us by the Commission, in another letter which was laid before us at the same consultation, we directed

* Consultations, 7th August, Nos. 6, 7, 8, 9.

† Consultations, 8th June, Nos. 18, 19.

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rected the Persian, Tamil, and Telugoo translators to prepare and send to the Commission twenty-five manuscript copies of their translations of the new Regulations, with the view of diffusing the more speedily a knowledge of their provisions among the natives.

18. At our consultation of the 15th of July, there was laid before us a letter from the Commission, containing the report which we had called on them to submit, respecting the means which, in their opinion, ought to be adopted for carrying into effect the Regulations prepared by them, and the number and pay of the district Moonsiffs which they considered necessary in each zillah. For information regarding the detailed measures which the Commission proposed for carrying into effect the Regulations we beg leave to refer your Honourable Court to their letter.

19. The total annual amount of the pay proposed by them for the district Moonsiffs is Pagodas 22,440.

20. We beg leave to point out to the notice of your Honourable Court a minute recorded by our President,* on the subject of this letter from the Commission; and also a minute recorded by Mr. Fullerton,† on the same subject.

21. Your Honourable Court will observe, from our proceedings on this subject, that we have deemed it proper to desire the Sudder Adawlut to state what is likely to be the amount of the receipts of Moonsiffs from fees of office.‡ You will also observe, that agreeably to the recommendation of our President, we have authorized the Commission to adopt the measures proposed by them for carrying the Regulations into effect, have fixed the number and pay of the district Moonsiffs as they proposed, and, agreeably to their recommendation, have instructed the several provincial courts to proceed to appoint those officers.

22. With reference to a preceding paragraph, in which we stated that a circular letter had been addressed to the several local Authorities, desiring them not to act upon the Regulations lately enacted, until they should have received an intimation of the completion of the necessary preparatory arrangements, we deem it proper to point out to the notice of your Honourable Court a communication which in consequence of that circular letter has been received by us from the Sudder Adawlut, explaining the grounds on which they consider an order of Government, transmitted through a Secretary in the usual manner, as was the case in that instance, to be incompetent to suspend the operation of any Regulation, which has been regularly enacted and promulgated under the authority vested in Government by the British Legislature.§ The communication having been taken into consideration at our meeting on the 7th of August, we caused a copy of it to be furnished to the Commission, with an intimation of our desire, that if, in their opinion, it was necessary to continue the suspension of the operation of the Regulations, they would frame the draft of a Regulation for that purpose, and submit it to us without delay. We have received a letter, in reply, from the Commission, bearing date 17th August, in which they state their opinion, that the necessity of suspending the operation of the Regulations no longer existed.

71. With reference to a preceding part of this letter, we have the honour to transmit, as a number in the packet, an extract of our proceedings, under date the 13th instant, with copies of the following papers, which are therein referred to, viz. two letters which have been received from the Commissioners for the revision of the Judicial system, along with amended drafts of the three Regulations which were referred back to them on the 7th of August, containing such alterations as they have introduced into the drafts which they originally submitted to us, and with the draft of a Regulation for the settlement of boundary disputes; the four drafts of Regulations just adverted to, and two minutes of our President, referred to in the extract from our proceedings. We also transmit, for your early information, an extract from the proceedings of the Board of Revenue, which has been submitted to us in reply to the reference we caused to be made to that Board, on the subject of the proposed Police Regulation, and also a copy of the letter from their Secretary with which it was received.

* Consultations, 15th July, No. 7.
† Ditto, 20th July, No. 7.
‡ Ditto, 15th July, Nos. 9, 10; 20th July, Nos. 8, 9.
§ Ditto, 7th August, Nos. 10 and 12.

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received. We have thought it incumbent on us to cause our acknowledgements to be communicated to the Board of Revenue, for the ability and attention which they have bestowed on the subject discussed in those papers.

72. Mr. Fullerton and Mr. Alexander having recorded their sentiments on the subject of the new Regulations, in pursuance of the intentions they expressed at our meeting of the 13th instant, we transmit copies of their respective minutes, together with a copy of a subsequent minute by our President, for the information of your Honourable Court.

REPORT *of* SUDDER ADAWLUT,
Dated 29*th July* 1816.

To the Secretary to Government in the Judicial Department.

SIR:

Report of Sudder Adawlut, 29 July 1816.

I am directed by the Foujdary Adawlut to transmit to you the accompaning extract from the Court's proceedings of this date, for the purpose of being laid before the Right Honourable the Governor in Council.

I have the honour to be, &c. &c.

Wm. OLIVER,
Register.

Foujdaree Adawlut, Register's Office,
29 July 1816.

Extract from the Proceedings of the Foujdarry Adawlut, under date the 29*th July* 1816.

Read again letter dated the 8th, but received the 18th instant, from the Secretary to Government in the Judicial department, forwarding copy of a letter from the Honourable the Court of Directors, dated the 20th December last, and drafts of their Regulations proposed by the Commission for revising the Judicial System, together with copy of a letter from the Commission respecting the drafts.

Sic. orig.

In the foregoing letter it is observed, that "in revising these drafts the "Foujdarry Adawlut will abstain from all discussion with regard to the principles laid down in the letter from the Court of Directors, which are to be "their guide; and as it is considered of great importance to avoid delay, the "Governor in Council desires that their report may be submitted within a "period not exceeding fifteen days after the receipt of this letter."

If the first part of the above quotation be intended to convey a censure on any former proceedings of the Foujdarry Adawlut, the Court must regret that an opportunity has not been afforded them of explaining any error into which they may have inadvertently fallen. If it be intended to limit the proceedings of the Court of Foujdarry Adawlut, in the revision of the drafts, to the consideration of those drafts only, it is the duty of the Court to observe, that those drafts contain a decision on the Articles 11, 12, 13, 14, and 16, specifically referred to the Court, in the proceedings of Government bearing date the 1st March 1815, which articles were, together with the others referred to the Court in its civil capacity, transmitted to the several local authorities, for their opinions, as required by the orders of Government conveyed in those proceedings.

The returns of the several Judicial authorities were long ago received; and the delay which has occurred in forwarding them to the office of Government is solely to be ascribed to a violent illness which seized the second Puisne Judge of the Court, not long after the revised drafts of the Regulations formerly transmitted by the Commission were sent to the office of Government, and entirely interrupted the preparation of the report, which he had unde

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taken to frame on the returns of the several Judges and Magistrates regarding the points referred to them. But for this accident, the proceedings of the Foujdarry Adawlut on the important subjects included in the articles referred to would have been submitted to the consideration of Government before this time; and any Regulation which might, subsequently to the receipt of such proceedings, have been sent to the Court, with a communication that the principles continued in them had been sanctioned by the Governor in Council, might be revised in a comparatively short period; because the revision would be confined to the transposition of words and sections, with the view of freeing the drafts from all ambiguity, and rendering them as clear and familiar to common understandings as the nature of the subjects admitted.

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But, with regard to the drafts before the court, the period within which the Right Honourable the Governor in Council has been pleased to desire that the report of the court shall be furnished, is too limited to admit of a revision of their several provisions in detail. This, indeed, would appear from that very limitation not to be expected; and, on the cursory view which the Court have been enabled to take of the drafts, they have observed deviations from the orders of the Honourable Court of Directors, on the propriety of which it is for the Right Honourable the Governor in Council to decide, and alterations of the existing regulations comprizing very material departures from the principles on which they are framed.

The orders of the Honourable Court are positive, that their instructions for "the transfer of the duties of Magistrate to the Collectors be carried into "effect, so as that the zillah Judges may be enabled to give their whole time "to the administration of civil justice;" whereas the Commission have made them, under the title of the criminal Judge of the zillah, the committing Magistrates in all cases triable by the Court of Circuit: and their reason for so doing, if the Court understand their letter correctly, is to obviate the collision which they apprehend would frequently occur between the Collector, constituted Magistrate, and the Court of Circuit, if he were brought too much into contact with that court, by being required to perform the duties of Magistrate, as directed by the Honourable Court. The material interruption which it would occasion to his other business, is also stated as an objection to the measure; but, in the hands of the zillah Judge, these duties are not considered likely to occasion any of these bad consequences. With regard to the objection founded on the interruption likely to be occasioned to the revenue duties of the Collector, the Court apprehend that the commitment of offenders for trial would form but a small part of the interruption which it is considered desirable to avoid, and an attendance on the Court of Circuit twice in the year would not extend to any considerable occupation of the Collector's time. These consequences constitute but small objections, in the opinion of the Court, to the complete execution of the orders of the Honourable Court of Directors; and with regard to the apprehended collision between the inferior and superior authorities, it is evidently a consequence for which the Honourable Court of Directors were not prepared, and which, if it do happen, must flow from the same source as the most weighty objections to the arrangements, viz. the revenue administration being the primary, and that of justice the secondary duty of the office, a Collector considering himself as firm in his revenue office may neglect his judicial duties, may possibly disregard, disobey, and oppose the orders of the Court of Circuit. But any instance of this nature would constitute an evil which, it is to be presumed, need only to be known to the Government to be immediately removed. The most zealous Collector might, doubtless, be readily replaced by another, if he should prove to be a wilfully bad Magistrate. An instance of this nature, supposing it to occur, would not, however, constitute a collision of authority, which indeed cannot occur between two authorities distinct in themselves, and the one subordinate to the other.

The Commission have provided, and it is understood to be the intention of the Court of Directors, that all persons charged with criminal offences shall be brought, when apprehended, before the Collector as Magistrate; and in all cases of a trivial nature, the Commission have provided, that the enquiry shall be perfected by the Collector, whom they have empowered to pass sentence to a certain

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a certain extent: but in cases of a degree of criminality exceeding this limitation, if there shall be reason to suspect the prisoner to be concerned in the perpetration of the crime, the Collector, as Magistrate, is required to send the prosecutor, the witnesses, and the prisoner, with the proceedings on the case, to the criminal Judge of the zillah. "But," it is added, "it shall not be necessary for the Magistrate to go further into the examination, than to satisfy "his own mind that there is ground to believe the prisoner guilty of the crime "charged against him."

The introduction of this duty by a negative may lead to different interpretations, as to the sufficiency of the ground on which the Magistrate is at liberty to found his belief of the guilt of the accused. If, as the Court would interpret the Regulation, the belief on which the Magistrate is to forward the accused to the criminal Judge of the zillah, for trial or commitment, according to the nature and degree of his criminality, be required to be the result of a grave proceeding, sufficient to warrant the commitment of the prisoner for trial, all that is left to be done is to make out the mittimus of the prisoner, to ascertain and record the names and residence of his witnesses, and to take recognizances from the prosecutor and his witnesses to appear on the day fixed for trial: and to take these matters of form from the Magistrate is to afford him relief in appearance rather than in reality; while, in order to enable the criminal Judge to repeat the discharge of the duty, which has already been performed by the Magistrate, of inquiring into the alleged guilt of the prisoner, previously to committing him for trial before the court of circuit, the prosecutor in most cases, and the witnesses for the prosecution in all, will be put to the inconvenience of making a journey to a distant tribunal, and this inconvenience they will have again to go through at the trial of the prisoner.

If the preliminary proceedings of the Magistrate should not be conducted with sufficient care, which it is reasonable to apprehend may happen when no responsibility is incurred by defective proceedings, it may be necessary for the criminal Judge to call before him and examine other witnesses, whose evidence may be found necessary to elucidate the case, and inconvenience and delay may thus be occasioned, which might be avoided by requiring the Magistrate to perfect his proceedings on his own responsibility, in the first instance: and it has been shewn, that the relief which is intended to be given to the Magistrate, by incurring the chance of this inconvenience, is immaterial.

With regard to the preparation of all papers for the trials before the court of circuit, and the charge of the jail, which are proposed to be given to the officer designated the criminal Judge of the zillah, this may be done without in any respect interfering with the discharge of the duties of Magistrate; but in view to the provisions which require that the Magistrate shall cause certain calendars to be delivered to the courts of circuit, it appears proper that the officer charged with the superintendence and control of the police, and with the preservation of the peace of the zillah, should in person deliver to the court, authorized to inquire into the mode in which those duties are performed, the returns shewing how such duties have been executed, and that he should receive such orders as that Court may think proper to pass on such returns. A due regard for the preservation of the outward forms of respect, which the Government have been pleased to direct that the Magistrates shall pay to the courts of circuit, would appear to require that this obligation shall be transferred with the other duties of the office; and as the occasions for it will occur no oftener than twice a year, they cannot occupy the Collector's time and attention for any inconvenient length of time.

These observations have no reference to the general inconveniences which have been considered by many of the judicial servants as likely to result from the transfer of the duties of Magistrate to the Collectors, that question being considered to be put at rest, for the present at least, by the positive orders of the Honourable Court of Directors; but it is impossible entirely to overlook the distresses to which the poorer classes may be subject, in pursuing the motions of a wandering tribunal, or not to contemplate the probability of a future arrangement, not very distant perhaps, for declaring that the office for receiving and hearing complaints of personal injuries and outrage shall be held at a known

known fixed station, and that it shall not be necessary for an aggrieved party, seeking redress, to follow the footsteps of an individual public officer.

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The measures under consideration, although so far salutary as they relieve the zillah Judge from the duties of Magistrate, include so obvious a defect, that they may be regarded as merely preliminary to some more permanent arrangement; and as the Honourable Court have resolved that the experiment shall be tried, it is to be concluded that they will be guided by the result of that experiment, in determining on the arrangement which may be indicated by it as most expedient and permanently beneficial in the administration of criminal justice in India. This consideration would appear to point out the propriety of assigning new names to the new offices created in the course of the experiment, rather than to strip an existing office of its known designation, and give to it an appellation indicative of a change which has not taken place in the authority vested in the office: this observation is applicable to the Regulation constituting the zillahs, criminal Judges of their respective zillahs, a title which would lead to the supposition that a new office had been constituted in each zillah, whereas, on an examination of its provisions, it appears that the several zillah Magistrates have been exercising the authorities and powers proposed to be vested in the criminal Judges for several years past. But having conferred on the Collectors the title of Magistrate, because a part of the duties of the Magistrate are to be transferred to them, a necessity arose of giving a new name to the old office; and if the commitment of offenders, in cases cognizable by the courts of circuit, be continued in that office, the title of criminal Judge cannot be considered as applicable to the committing Magistrate. But setting aside all consideration of verbal proprieties, in consequence of the transfer of the title of Magistrate to the Collector, a difficulty has arisen, and the Commission have proposed a remedy for it, on the legality of which the Right Honourable the Governor in Council may deem it expedient to require the opinion of the Company's legal adviser.

In the nineteenth paragraph of the letter from the Commission, they state as follows: "we have not given the criminal Judge any cognizance of crimes "committed by European British subjects, because the 53d Geo. III, Section "105 and 106, speak of the Magistrate only." This would appear to admit that the fixed resident Magistrate is the officer to whose authority European British subjects ought to be amenable in the cases stated in those sections, and that it is the authority contemplated by the Legislature in framing the act; but by taking from the judicial officer the appellation by which his office was known, at the time when the act was framed, the Commission deprive the native subject of the means of prompt redress of injury intended to be given to him by the Legislature, and they render the European British subject liable to be dragged in attendance on the travelling office of the Collector, in a manner which could never have been in the contemplation of Parliament.

The difficulty would be removed, by leaving to the zillah Magistrate his present title, and distinguishing the Collector by that of police Magistrate of the zillah.

With regard to the instances in which the proposed draft of the Regulation for the office of Magistrate extends to the rescission of provisions in the criminal code, for the abrogation of which the Commission quote no authority, the first is described in the thirteenth paragraph of their letter. They observe, that "by Clause fifth, Section 4, Regulation I. 1810, the power of Government in "confirming the attachment of the landof absentees for contempt of summons "is absolute, as it ought to be, without any previous report from the Foujdarry "Adawlut; but by Sections 2 and 3 of the same Regulation, in cases of re-"sistance to process, the sentence of the Foujdarry intervenes, and their report "is necessary previously to the final determination of Government. We make "the matter in both cases referable directly to Government for their decision, "without any report from the Sudder Foujdarry, because we see no sufficient "reason for incurring delay in the one case more than the other; and because "we think that the decisions of Government should be prompt, wherever the "authority of the Magistrate is to be supported."

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These reasons for changing the existing law have no application to the process prescribed in either case; for, with reference to the first, the delay is not on the side on which the Commission have supposed it to be, and with regard to the latter, although the Court would be disposed to agree in opinion with the Commission on the abstract proposition, that where the decision of Government may be necessary to support the authority of the Magistrate such decision should be prompt, it is not for this purpose that Government is called upon for a decision in either of the two cases in question.

A concise abstract of the law will be sufficient to explain this matter.

The first case in the Regulation, though the second in the order they are treated of in the letter of the Commission, is a charge of resistance of process, the penalty provided for which offence is forfeiture of property or fine (with eventual imprisonment or corporal punishment if the fine be not paid).

This is the case in which the Commission have supposed the delay to happen; but the process prescribed in the Regulation would appear to be sufficiently prompt. The Magistrate of the zillah in which such resistance may "have "been made, on the same being charged on oath shall, if practicable, cause "the party to be apprehended and brought before him to answer to the charge. "If the party shall abscond or conceal himself, so that he cannot be apprehended, the Magistrate is to cause a written proclamation, requiring the "party to appear to answer to the charge against him within a fixed period of "time (not less than one month) to be publicly read and proclaimed by beat "of drum, &c."

"If the party charged as above cannot be apprehended, and shall not, within "the period fixed by proclamation, appear to answer to the charge against him, "or if he shall appear in pursuance of the proclamation, and after receiving "his answer to the charge, and hearing the evidence he may adduce in his "defence, it shall be proved, to the satisfaction of the Magistrate, that he is "guilty of the charge, the Magistrate is to pass judgment against him."

If the offender be a proprietor of lands, whether paying or exempt from paying revenue to Government, the Magistrate is to declare such lands forfeited to Government, and immediately to cause the Collector of the district to attach such lands.

If the offender be a Sudder farmer, holding a farm from Government within the zillah in which the resistance may have been made, the judgment against him shall declare his lease forfeited, and the Magistrate is to require the Collector to proceed as above directed, with regard to lands declared to be forfeited.

If the offender be not a proprietor or Sudder farmer, the judgment is to declare him liable to the payment of a fine to Government, commutable, under certain circumstances, with the concurrence of the Foujdarry Adawlut, to imprisonment or corporal punishment.

In cases of resistance to process, not attended with aggravating circumstances, the Magistrate may pass such sentence as appears to him proper, and carry the sentence into execution without reference to the Foujdarry Adawlut, such sentence being subject to revision by the court of circuit, under the general powers vested in that court.

Provided always, that the whole of the judgments passed by Magistrates under this Regulation (with exception to the last-mentioned case) be immediately reported, with a complete copy of their proceedings, to the court of Foujdarry Adawlut, and that the orders of that court be received before the judgment passed by a Magistrate be considered final and conclusive.

The Foujdarry Adawlut, on the receipt of the proceedings above referred to, are to pass such order thereon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or leases may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may deem adequate, and order the attachment of the lands to be taken off on payment thereof. The sentence of the Foujdarry

Foujdarry Adawlut is to be final, in all cases of fine, imprisonment, and corporal punishment; but in case they shall confirm the judgment of the Magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the Magistrate, to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine, or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the Collector through the Board of Revenue.

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Throughout the whole of these provisions, the decision of Government is not called for to support the authority of the Magistrate. The law always gives suffi[illegible]pport to his authority, in declaring the forfeiture of property to be [illegible]lty for resistance to process; and so far as the authority of the Magis[illegible]s concerned, it is upheld by the immediate attachment of such property. [illegible]e subsequent progress of the matter is towards such a mitigation of the sentence as may be obtained in the higher court. If the forfeiture should be confirmed, a reference to the Governor in Council, in every such case, must be necessary, in order that he may issue orders for the disposal of the property accruing to Government by such decree of forfeiture. And here the law has leniently provided a further opportunity for the offending individual to endeavour to preserve the property which he may have thoughtlessly endangered, the Governor in Council being unrestricted as to the circumstances which he may be pleased to take into consideration, in determining whether the sentence shall be enforced, mitigated, or remitted altogether.

There is nothing in the Regulations to prevent the case from going through all these stages in three months or less.

The other case is of a totally different nature: it is that of a person charged with an offence of a criminal nature, the penalty provided for which must vary according to the degree of its criminality.

In this case, if the accused person abscond or conceal himself, so that upon a process issued against him by the Magistrate, he cannot be found, the Magistrate is to require him, by proclamation, to attend, and answer to the charge against him within a fixed period of time, not less than one month; and in case he shall not appear and deliver himself up within the period fixed by such proclamation, the Magistrate, on receiving the Nazir's return to this effect, is to order the attachment of any land, or other real property, held by the party within his jurisdiction.

It is unnecessary to repeat the descriptions of persons who may happen to be the offenders, which are correspondent to those described in the former case.

In all instances wherein an attachment of property may be ordered under the foregoing rule, the Magistrate, immediately on the attendance of the party for whose appearance it was offered, shall direct, by a written precept, that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

The attachment of the lands, in this case, has no reference whatever to the punishment of the offence with which the individual may be charged: its sole purpose is to compel the attendance of the party accused, and there its opera[illegible] Neither is any particular person specified, during which the non[illegible]ance of the party shall be taken to annul his title to his property, nor is [illegible]he Magistrate required to declare such property forfeited to Government.

Should the party neglect to attend for a period of six months after the lands have been ordered under attachment, the Magistrate is required to report the case to the Governor in Council, who will pass such order on it, and the future disposal of the lands, as he may judge proper.

But this provision does not necessarily imply the forfeiture of the property, although it may be considered, after the lapse of so many months, to have been abandoned, and it may be deemed expedient that orders should be given for the future disposal of such property. The appearance of the party at any unspe-

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cified period before the Magistrate's report may have been transmitted to the Governor in Council, is sufficient to procure the instant release of his property; and even if his attendance should not be given till after the lapse of a period of six months, it is not to be concluded against him that the delay will not admit of explanation.

The charge is supposed to be preferred by some individual, as charges of a criminal nature generally are; and it may appear on investigation that advantage has been taken of the occasioned absence of the party to fabricate the accusation, and the tale of his concealment. Such a result of the investigation would, of course, lead to the restoration of his property.

This, it must be observed, is the case in which a positive delay of six months is prescribed before making the report to the Governor in Council, whereas there is nothing in the Regulations to prevent a decision being obtained on the other case, within half that time.

The next instance of a proposed alteration of the existing provisions of the criminal code is noticed in the fourteenth paragraph of the letter from the Commission, in which they state, that "in Sections 17 to 22 inclusive, we have retained, with some modifications, the first five sections of Regulation XIII. 1809, but no parts of the rest. By this Regulation, if the proclaimed offender surrender within the limited time, he has all the benefit of a trial; but if he surrender or is apprehended after the time, it is only necessary that the Judge should be satisfied of the identity of the prisoner and of his contumacy in not appearing before, in order to sentence him to be imprisoned and transported for life. We have given him a regular trial in both cases, because we see no cause to justify the continuance of so extraordinary and severe a law. We have entirely rejected the Sections 13 and 14 of the same Regulation, by which, among other penalties, persons convicted of affording to the proclaimed offender lodging, money, grain, or other supplies, are liable to forfeiture of their estates, because such aid is often furnished from the dread of assassination, and it is very difficult to ascertain whether the aid has been given in consequence of this or of any other motive, and because the punishment holds out encouragement to private animosity, to bring forward information against persons who may have given money or grain from fear, or from not knowing of the proclamation."

The foregoing observations do not appear to have been dictated by any consideration of the history of the law in question, or of its operations. But it is unnecessary to go beyond the paragraph itself, for a cause to justify the continuance of the penalty announced for disobedience of the proclamation, which the Commission have termed so "extraordinary and severe a law;" for it must be kept in mind, that the existing law is directed exclusively against persons concerned in gang robbery and murder, the notoriety of whose criminal practices is sufficiently established, to render their apprehension essential to the peace and tranquillity of the district; and that previously to authorizing the issue of the proclamation, "the Foujdarry Adawlut are required to determine whether the degree of notoriety, and the dangerous character of the person accused, or the aggravated nature of the offence alleged against him, be such as to warrant the measures for his apprehension and for his punishment in case of contumacy." Now, if the character of the offender be such that his threat of assassination shall be sufficient to awe individuals into affording him lodging and furnishing him with supplies, and to form, in the opinion of the Commission, a justification for their so doing, it must be desirable to relieve the country from so grievous a pest; and that law cannot be deemed severe, which requires a person of such dangerous character to appear, and answer to the charges preferred against him, announcing to him that he will be held to be guilty of the crimes so charged against him, if he shall not appear, at the time fixed in the proclamation, to answer to such charges.

The Commission have omitted in their draft the duty imposed on the Foujdarry Adawlut by the existing law, as above quoted; and by taking away from the proclamation the penalty for disobeying it, they have reduced it to something more insignificant than a mere summons published by beat of drum, and affixed to a wall instead of being served on the offender, as in a trivial case. But

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while they have totally destroyed the efficiency of the instrument in this respect, they have added to it no notification, "that if any person, in his endeavours to apprehend, should wound or slay him (the proclaimed person), in "consequence of his standing on his defence or flying, the person so wounding "or slaying the criminal shall be deemed entirely guiltless with respect to that "act:" and the reason assigned for it in their letter is, that "the provisions "are more likely to become known to the inhabitants in this way, than if they "were inserted in a separate section, as in the rescinded Regulation." The reason may be applicable to a new Regulation, but not to one which has been in operation for more than six years, and the provisions of which must have become known, as legal provisions usually do, in all countries, through the practice of the court.

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If the Regulation were entirely new, the insertion of this provision in the body of the proclamation, instead of serving as a protection to individuals in the discharge of their duty, would have the appearance, and in all probability the effect, of a direct encouragement to all persons to resort to any means of destroying the person named in the proclamation: and its insertion in a section of the Regulation would still be necessary, in the same manner as the penalty attendant on a disobedience of the proclamation is inserted in the Regulation.

The arguments urged by the Commission for rescinding Sections 13 and 14 of Regulation XIII. 1809, would form part of the defence of persons called upon to account for their conduct under these sections; and as the penalties provided by them cannot be enforced until each case has undergone consideration by the Foujdarry Adawlut, and by the Governor in Council, there is little danger of their being inflicted on persons who may not be proper objects of such penal enactments.

The latter part of the fourteenth paragraph contains a postulatum on which much might be written; but as it entirely begs the question, with regard to the state of the country previous to 1809, it may be sufficient for the Court to state, for the information of the Right Honourable the Governor in Council, that the judicial courts were not generally and completely in operation until 1807, that the regulation in question is numbered 4 of the Bengal Code for the year 1808, and that it was adopted into the Madras Code in the following year.

With regard to augmenting the authority vested in the Magistrate for granting rewards as far as one hundred rupees, as mentioned in the sixteenth paragraph of the letter from the Commission, the Court concur in their recommendation that it be adopted; and the authorizing Magistrates to remove public officers from one station to another, without reference to any other authority, as stated in the seventeenth paragraph, may, in the hands of an active and intelligent officer, contribute to the efficiency of the police. Indeed, the efficient administration of police must always be greatly dependent on personal character. It is a department which cannot be strictly controuled by Regulation, and will therefore be ever liable to great abuse; but this is a necessary evil, which it will be the duty of the European officers to endeavour to circumscribe within the narrowest limits possible, for they cannot remove it altogether.

The Court have not extended their remarks to the Regulations by which "offences against the revenue laws of customs, the tobacco monopoly, and spirituous liquors, are rendered criminal," which the Commission state to be left unaltered, but of which, it must be observed, the character has been totally altered, by transferring them to the cognizance of the Collector: and this appears to the Court to be done in direct opposition to the expressed intentions of the Honourable Court of Directors, who, in the eighteenth paragraph of their letter dated the 20th December 1815, declare, that "it is not their intention "to give to Collectors a power of deciding upon complaints which may be pre"ferred either against themselves or the native officers of revenue subject to "them respectively."

In all complaints made under the laws in question against the officers employed in the several departments, the Collector is interested as their immediate master; and in all complaints against individuals for infringing those laws he has an interest, on account of the revenue derived from those sources: for

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for allowing that he derives no personal emolument from them, his reputation as a revenue officer is concerned in maintaining the standard of his collection, which is liable to be injured by every fraud.

With regard to the Regulation for the office of criminal Judge, the Court have already remarked on the inexpediency of assigning to established offices appellations indicative of a change in such office, which has not taken place, or of an addition of authority which has not been conferred on it.

The employment of the zillah Judge in the discharge of duties of the criminal department is not altogether consistent with the instructions conveyed in the sixteenth paragraph of the Honourable Court's letter, dated the 20th December 1815, and the Court consider the proposed arrangement to be objectionable, as it imposes on the Judge *a part of the duties of the magistracy*, without leaving him the powers of a Magistrate. It renders him liable to have his attention daily called to the cases of persons who may be forwarded to him by the Collector, after perhaps but a defective preliminary inquiry, or to those of persons forwarded by a police officer, whose proceedings, it is to be expected, will be still more defective, but over whom he cannot even issue letters of instruction.

If it be necessary, as well to continue the assistance at present afforded by the Magistrate in diminishing the duties of the circuit, as to afford relief to the Collector in the discharge of the duties of Magistrate (which the Court have no doubt will be found to be very necessary), it would, in the opinion of the Court, be better to make the zillah Judge, in fact, what the new appellation given to him by the Commission designates him to be, a Judge of sessions, holding sittings for the cognizance of particular offences, and passing judgment on the cases of the persons charged with such offences. His sittings might be held monthly, commencing on a particular day of the first week of the month, and continuing until the business of the session should be gone through; and he might be aided in the discharge of this duty by the law officers of the station. A court so constituted, under the name of the Magistrate's court (for a new name is unnecessary), might be very serviceable in the criminal department, without materially occupying the time of the zillah Judge.

To avoid the collision which, it appears to be apprehended, may arise between the two authorities residing in the same zillah, all official correspondence between the authorities which the Court would distinguish by the titles of "Magistrate," and "Police Magistrate" of the zillah, might be prohibited; and if the proceedings of the Police Magistrate, on whose commitments the offenders would be brought to trial, should in any instance appear to be irregular and to require correction, it might be made the duty of the Magistrate to bring the case to the notice of the Judge on circuit for his information and orders, and those orders might be conveyed direct to the Police Magistrate.

Under such an arrangement, the necessity for the prosecutors and witnesses proceeding twice to the zillah station would be obviated, the proceedings of the police officers would, in every instance, come under the notice of their superiors, and it is to be expected that they would, in consequence, pay greater attention to regularity.

With regard to the powers to be intrusted to the Magistrate, they must be sufficient to enable him to accomplish the purposes of the Act, 53d George III., in regard to European British subjects; but he may be restricted from inquiring into the details of police, the administration of which will be vested in the Collector.

The foregoing sketch may be sufficient to shew the principles on which, in the opinion of the Court, a preferable arrangement may be formed to that which has been proposed by the Commission. It would not be practicable to complete the details in the time within which the Right Honourable the Governor in Council has expressed his desire to receive the proceedings of the Court on the drafts prepared by the Commission.

Almost

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Almost the only remark which the Commission appear to have considered necessary, in explanation of the draft of the Regulation for the criminal Judge, is contained in the following words. "We have made all the reports quarterly "which before were monthly, because the same object of proper control may "be obtained, and time and labour saved by this arrangement." Whatever application this observation may have to the other reports, it has none to that of prisoners apprehended in each month, of which it is desirable that the earliest information should be conveyed to the superior court, or the report of casualties and of prisoners released in each month. If the quarterly reports are to be in substance the same as those at present received monthly (and the forms are copied verbatim from the forms printed in Regulation VI of 1802), the information contained in the proposed quarterly reports of these cases will contain the precise information at present contained in the reports furnished monthly. The labour saved to the writer, therefore, will be that of the heads or titles of each report; and to the judicial officer, that of affixing his signature thereto. The Court would, therefore, recommend that these reports, at least, be continued monthly: the others are not of so much consequence.

It is proper to remark on a part of the proposed Regulation for the Magistrate which is not explained in the letter, that while it is provided by Section 31 that the court of circuit shall report to the Foujdarry Adawlut, and the Foujdarry Adawlut to Government, any instance in which the Magistrates or their assistants may be guilty of misconduct or neglect in the discharge of their official duties, this very proper provision is rendered useless by that contained in Section 42, which declares it to be unnecessary for the Magistrates to make the depositions taken by them, in the cases referred to, matters of record, and requires only a registry of dates, names, and the quantum of punishment inflicted in each case, affording no information beyond the result of the Magistrate's proceedings, none whatever of the nature of such proceedings, and this document the Magistrate is to cause to be delivered to the court of circuit. It is supposed that he will be too much engaged in other duties to deliver it in person, and that it will be dangerous to bring him so nearly in contact with the superior court: how then is the court of circuit to discharge the duty required of it?

By these provisions, the administration of justice, so far as the Collectors are concerned, is made a secondary duty; and the almost total exemption from control, which is herein provided for them, may lead to negligence in the discharge of functions which appear to be thought so unimportant.

The Honourable Court of Directors cannot be supposed to have been aware, that this would be a necessary consequence of employing the Collectors in the discharge of the duties of Magistrate.

In concluding these observations, which have been hastily thrown together, in order that the strictest obedience might be paid to the orders of the Right Honourable the Governor in Council, that their report should be made within fifteen days, the Court beg leave to state, that although they have given to the subject all the consideration which the shortness of the period allowed them admitted, and have endeavoured to perform the duty which the Right Honourable the Governor in Council has been pleased to confide to them in the best manner, yet it is to be apprehended that, in the cursory view which they have been enabled to take of the drafts, and of the letter of explanation which accompanied them, something may be found to have been omitted, which on more mature consideration might be supplied. But, from what the Court have stated, it will be clearly understood, that they deem the drafts to be defective in principle; and considering the importance of the subject, they doubt not that the Right Honourable the Governor in Council will deem it proper to have before him all the information that has been received from the Judicial Authorities, previously to forming a final determination regarding it.

The Court were desirous of submitting the information which has been furnished by the several Judicial Authorities on the points referred for their opinion, along with these observations, but the commands of the Government requiring that all their attention should be given to the drafts framed by the Commission, in order that the reports on them might be completed within the prescribed time, occasioned the suspension of their proceedings on the reports connected

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connected with the important subjects under discussion, which are properly the duty of the Court.

Ordered, That extract of these proceedings be sent to the Secretary to Government in the Judicial department, for the purpose of being laid before the Right Honourable the Governor in Council.

JUDICIAL COMMISSIONERS *to* SECRETARY *to* GOVERNMENT, *Dated 29th August* 1816.

To the Chief Secretary to the Government of Fort St. George.

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SIR:

1. We had the honour to receive, on the 13th instant, Mr. Secretary Hill's letter of the 7th instant, together with an extract from the proceedings of the Sudder Adawlut on the drafts of Regulations submitted to the Right Honourable the Governor in Council, with our report of the 25th June.

2. As the Sudder Foujdarry Adawlut observe, that the period within which they were required to make their report on these drafts "is too limited to "admit of a revision of their several provisions in detail," we have made the revision ourselves; but before we enter into any detail of the changes which have resulted from it, we shall endeavour to answer the objections made to the drafts, on account of their having observed in them "deviations from the "orders of the Honourable Court of Directors, and alterations of the existing "Regulations, comprising very material departures from the principles on "which they are framed."

3. The Sudder Adawlut remark, that the orders of the Honourable Court of Directors are positive for the transfer of the duties of Magistrate to the Collectors, "so as that the zillah Judges may be enabled to give their whole "time to the administration of civil justice;" instead of which the Commission have made them, under the title of the criminal Judge of the zillah, the committing Magistrates in all cases triable by the Court of Circuit. We have already, in our former report of the 25th June, given our reasons for making this division of authority, in place of leaving to the criminal Judge a concurrent magisterial jurisdiction, as authorized by the Court of Directors.

4. The Sudder Adawlut observe, that the revenue duties of Collector would be but little interrupted by the commitment of offenders for trial, and "that "an attendance on the court of circuit twice in the year would not extend "to any considerable occupation of the Collector's time." It is not the mere act of committing prisoners for trial, but the preparation of papers, that takes up time. The convenience of the people has also had some weight with us in favour of the proposed arrangement. Prisoners and witnesses will now be sent direct to the zillah station by the district police officers; whereas if the Collector, as Magistrate, committed, the witnesses and prisoners would in all cases punishable by the criminal Judge, have to make two journeys instead of one, first to the Magistrate and then to the criminal Judge. An attendance on the court of circuit might bring the Collector from a distant part of the district: his other business, both of revenue and police, would in the mean time be interrupted, and after obtaining leave from the circuit Judge he would have to return to the spot from which he came. This repeated every six months, would probably occupy six weeks or two months in the year, a space of time much too long to be sacrificed, in a great degree, to mere form.

5. The Sudder Adawlut seem to apprehend, that the revenue administration being the primary, and that of justice the secondary duty of the office, a Collector may neglect his judicial duties. To this it may be answered, that revenue is not made his primary duty; but where two duties are to be performed, both must be attended to. Revenue must give way to the duties of the Magistrate in all essential matters, but it must not be neglected for points of form. If the Collector is interested in the realization of the revenue, he is, for the same reason, interested in the good order of the country. No public officer is so much so as him, and he is therefore as little likely as any other to neglect the magisterial duties, on which it so much depends.

6. In

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6. In the draft of the Magistrate Regulation it is provided, that in the examination of prisoners charged with heinous offences, previous to their being forwarded to the criminal Judge, "it shall not be necessary for the Magistrate "to go further into the examination, than to satisfy his own mind that there "is ground to believe the prisoner guilty of the crime charged against him." The Sudder court observe, that "the introduction of this duty by a negative, "may lead to different interpretations as to the sufficiency of the ground on "which the Magistrate is at liberty to found his belief of the guilt of the ac- "cused." They do not seem to have recollected, that the examinations before the Magistrate are on oath, and that, therefore, there can be no greater latitude for different interpretations, "as to the sufficiency of the ground," than there is under the existing Regulation, which directs the prisoner to be committed when there is ground to suspect him "of having been concerned "in the crime charged against him." * They remark, that if the belief on which the Magistrate is to forward the accused to the criminal Judge be the result of a grave proceeding, sufficient to warrant the commitment of the prisoner for trial, all that is left to be done is to make out the mittimus of the prisoner, to record the names and residence of his witnesses, and to take recognizances from the prosecutor and his witnesses. But this enumeration is far from comprising all that the Magistrate would have to do. He would have to translate the papers into Persian, under Section 16, Regulation VI. 1802; and into English, under the orders of the Sudder Foujdarry Adawlut of the 25th October 1806: to prepare the calendars for the court of circuit, to send out the summonses to the prosecutors and witnesses, to attend that court, and to examine every prisoner himself, instead of letting him be forwarded direct to the criminal Judge by the Tehsildar.

7. The Sudder court seem to imagine, that the criminal Judge is made, in every case, to repeat a duty already performed by the Magistrate, and that relief is hence afforded to the Magistrate "in appearance, rather than in "reality." This, however, is a mistake; because all cases cognizable by the criminal Judge will be sent to him direct by the Tehsildars, as is now done by the police Darogahs, † and such cases only as have been preferred to the Magistrate in the first instance, and which he cannot punish, will be sent by him to the criminal Judge. The Sudder court suppose that the prosecutor in most, and the witnesses for the prosecution in all cases, would have to make three journeys to attend different tribunals. By the arrangement proposed by the Commission, this never can happen. The witnesses will; in no case, attend more than twice, and in many only once; but if all commitments for trial were to be made by the Magistrate, the witnesses would be obliged, in every instance, to attend twice, and very often three times. They would first be sent for examination by the police officer to the Collector, acting as Magistrate. If the Collector could not punish himself, he would forward the witnesses and prisoner to the criminal Judge; and where he committed for trial by the court of circuit, the witnesses would have to attend a third time. To save the time of the criminal Judge and the Magistrate is no doubt desirable; but it is of much less importance than the convenience of the people.

The Sudder Adawlut observe, "that if the preliminary proceedings of this "Magistrate should not be conducted with sufficient care, which it is reason- "able to apprehend may happen, when no responsibility is incurred by defec- "tive proceedings, it may be necessary for the criminal Judge to call before "and examine other witnesses, and delay may thus be occasioned." The same thing happens now, if the Darogah's proceedings are not carefully drawn up: and the same thing would happen if the Magistrate committed when the Tehsildar's proceedings were defective. But the Magistrate is not, as supposed by the Sudder Adawlut, exempt from responsibility for defective proceedings. His proceedings, in all cases forwarded by him for examination by the criminal Judge, may be produced by that officer, when called for by the Judge of circuit.

9. The Sudder Adawlut think that "a due regard for the preservation of "the outward forms of respect, which the Government have been pleased to "direct that the Magistrates shall pay to the courts of circuit," require that the

* Section 5, Regulation VI., 1802.

† Section 27, draft C.

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the duty of attending the court of circuit and delivering the calendars should be transferred to the Collector, with the other duties of the Magistrate's office. An attention to those forms is very proper, where it can be paid without incurring serious inconvenience. It does not move the criminal Judge from his station, and he can, therefore, without any difficulty, still continue to observe all th[illegible] necessary forms of respect, by going out with the principal inhabitants to [illegible] the court of circuit on its approach to his station, and continuing in [illegible]ance during its stay. But we have already stated our objections aga[illegible] Collectors' being required to attend: his observance of this form [illegible]equently leave the whole business of the province at a stand, and [illegible] no adequate object to justify the submitting to so great an inconvenien[illegible]

10. In considering the transfer of the duties of Magistrate to the Collector, the Court remark that it is impossible entirely to overlook "the distresses to "which the poorer classes may be subject, in pursuing the motions of a "wandering tribunal, or not to contemplate the probability of a future ar- "rangement, not very distant perhaps, for declaring that the office for receiv- "ing and hearing complaints of personal injuries and outrage shall be held at "a known fixed station."

We are so far from thinking that the inability of this tribunal will distress the poor, that we think, on the contrary, that this very quality will render it most useful to them. It is the fixing of this office in one place which has hindered complaints from reaching it, which has prevented the Magistrate from making local inquiries into abuses, and which has, in consequence, rendered it so inefficient. It is proper that the court for the trial of all important civil suits should be fixed; but for the hearing of complaints of personal injuries, the court must be moveable. While the state of society and the character of the people of India remain what they are, no stationary tribunal can be of much use in this respect. It is only by going round the country, and visiting every part of it, that the Magistrate can ever learn one-tenth part of the injuries which the inhabitants suffer from police officers and other subordinate agents, or the wrongs to which the poor are subjected by their more powerful neighbours. A travelling tribunal is so far from being a hardship to the poor, that it is only by its coming among them that their grievances are discovered, and that they have an opportunity of seeking redress. Were the tribunal fixed, most of them would be prevented by poverty or ignorance, or deterred by fear, from quitting their homes in order to complain. To render the Magistrate stationary, and at the same time to expect him to protect the inhabitants from outrage, would be to expect from him what no man in his situation could possibly perform. It would not be difficult to bring proof that even the most vigilant Magistrates have not, in such circumstances, been able to exercise any efficient control. With respect to heinous crimes and offences, the moveable nature of the Magistrate's tribunal will make no change in the mode of investigating them, as the prosecutors and witnesses will, as formerly, be sent direct to the zillah station by the Tehsildars.

11. The measures under consideration are said by the Sudder court "to include so obvious a defect, that they may be regarded as merely preliminary "to some more permanent arrangement." With regard to the opinion here advanced, that these measures are intended only as an [illegible]ent, we see nothing to support it in the dispatch of the Court of Direc[illegible]

12. The Sudder court object to the title of criminal Judge [illegible]en to the zillah Judge, and of zillah Magistrate to the Collector. Arguing [illegible] the assumption, that the proposed modifications of the law are merely temporary, they recommend to assign "new names to the new offices created in the course "of experiment, rather than to strip an existing office of its known designa- "tion, and give to it an appellation indicative of a change which has not "taken place in the authority vested in the office." A very great change has taken place in the authority vested in the office for the charge of the police; the maintenance of the peace of the country, and almost all the duties of the Magistrate, have been transferred to the Collector, and we think it necessary that the official designation should be transferred with the duties. That part of the magisterial duties formerly exercised by the zillah Judge, which now remains to

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to him, is a very small one; and as it is purely of a criminal nature, namely, the punishment and commitment of criminals for trial, we conceive that the appellation of criminal Judge is much more appropriate to his office, than that of zillah magistrate.

13. The Sudder Adawlut doubt the legality of giving to the Magistrate the cognizance of complaints against European British subjects, referred to in the Act of the 53d George III, cap. 155, clauses 105 and 106. They observe, that the fixed resident Magistrate, and not "the travelling office of the Col- "lector, is the authority contemplated by the Legislature in framing the "Act." We see nothing in the Act to justify the inference, that the Legislature considered it necessary that the Magistrate should be stationary: all that the Act requires is, that the Magistrate shall be a justice of the peace, but it is entirely silent as to his being stationary or not.

14. In the drafts submitted by the Commission with their report of the 25th June, the cases of resistance to process were made referable directly to the Governor in Council, which by Section 2 and 3, Regulation I. 1810, are required to be reported to the Foujdary Adawlut in the first instance.

That Court have objected at considerable length against the proposed alteration. They affirm, that the reference to the Sudder court will never take more than three months. Though we imagine that the records will shew that it has always taken longer, yet as the case is one of very rare occurrence, the inconvenience will be of the less consequence; and as it is our wish to avoid alterations in the existing laws without strong grounds, we have restored the original sections in the drafts now submitted.

15. In our former drafts, in modifying the provisions of Regulation XIII. 1809, we proposed to make known to the people that persons slaying the proclaimed offender in endeavouring to apprehend him would be held guiltless, by inserting this provision in the proclamation. The Sudder Adawlut, among other objections to this plan, state that the Regulation having been in operation for more than six years, the provisions of it "must have become known, as "legal provisions usually do in all countries, through the practice of the "courts." Though the Regulation has certainly been published above six years, we doubt if it be known to more than a very few natives in public employment, or connected with Europeans. It is certainly not known to one in a hundred of the population, and most probably not to one of those who are most likely to apprehend the offender, namely, Talliars, wood-cutters, and other labourers, in remote villages among the hills and jungles. Such men neither read nor know any thing of Regulations, and it is only by beat of tom tom that they can ever hear of them. It is feared by the Court, that the proclamation might have the effect of a direct encouragement to all persons to resort to any means of destroying the person named in it. There does not appear to be any cause why a person in pursuit of a proclaimed offender should be more likely "to resort to any means of destroying him," from knowing by a proclamation that he shall be deemed guiltless of that act, than from knowing the same thing by a section of a Regulation; but supposing that the consequence apprehended by the Court were to ensure merely the encouraging the destruction of the offender, this consequence could hardly follow, without rendering the offender more likely to surrender, from the additional danger to which his life would be exposed from his pursuers. If such effects are to be produced by the proclamation, it can scarcely be maintained that the "instru- "ment" which encourages the destruction of "so grievous a pest, from whom "it may be desirable to relieve the country," and which likewise operates in inducing him to do what he has never yet done (to give himself up) has been deprived of its efficiency. But these are not the effects to which the Commission looked: all that they had in view was to make known to the class of men most likely to engage in the pursuit of the offender, by a proclamation, what there was no chance of their learning from a section of a Regulation, that they would be deemed guiltless of slaying the offender if he stood on his defence.

16. We have made these remarks chiefly for the purpose of stating our opinion, that the Regulations, even after having been in operation for several years, do not become so generally known as seems to be supposed by the Sudder Adawlut;

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Adawlut; for, with regard to the Regulation in question, we have inserted no part of it in the present drafts, and have allowed it to stand in its original form, because we now think it ought to be rescinded altogether. This measure has been recommended by the First Judge of the Provincial Court of the centre division, on the grounds of the difficulty of obtaining sufficient evidence [illegible] the proclamation having been heard by the person to whom it has been [illegible]ssed, of no person ever yet having surrendered under it, and of its bein[illegible]y inefficient. This statement is supported by the minute of Mr. Stra[illegible] of the 29th July, in which it is shewn, that of one hundred and three pr[illegible]med offenders not one has surrendered. The Regulation was passed in Bengal at a time when gang robbery had reached an alarming height: it was adopted here in 1809, when the number of banditti, so far from having increased, was every day diminishing. The gradual extension of our influence in the territories of our allies, makes it every day more easy to apprehend notorious robbers, because they do not find the same secure refuge in these countries as formerly; the local authorities sometimes facilitating their apprehension, and sometimes themselves seizing and giving them up.

17. We stated, in our last report, that we had left untouched the Regulations in the case connected with offences against the revenue. The Sudder Adawlut, though they do not say that we have touched them, assert that their "character has been totally altered, by transferring them to the cognizance of the "Collector." These duties of the Magistrate are transferred with the office to the Collector, by the orders of the Honourable Court of Directors, who no doubt considered that if the character of the Regulation in question were even in any degree changed, the inconvenience, whatever it might be, would be outweighed by the advantages of the measure. It is supposed, that the interests of the revenue may influence the Collector in his duties as Magistrate; but if the Regulations be examined, it will be found that the Collector, in the cases cognizable by him, has no particular interest to bias his decisions, and that their character is only so far changed as to render them more operative than formerly.

18. The transfer of these duties to the Collector appears, however, to the Sudder Adawlut to be done in direct opposition to the expressed intentions of the Honourable Court of Directors, who, in the eighteenth paragraph of their letter dated the 20th of December 1815, declare, "that it is not their intention to give to Collectors a power of deciding upon complaints which may be "preferred either against themselves or the native officers of revenue subject to "them respectively." The Sudder Court, by bringing forward a paragraph entirely unconnected with the subject, have endeavoured to make it appear that the Court of Directors did not authorize the transfer; but, in the paragraph alluded to, the Honourable Court are delivering their sentiments on a subject totally different. They are speaking of a proposition which had been made by the late Collector of the southern division of Arcot, "for empowering Collec-"tors to hear and determine disputes between Zemindars or renters and the "Ryots, respecting revenue collections." Their intention is obviously, that though the Collector should determine questions of revenue collections between Zemindar and Ryot, he should not determine such questions between the Zemindar or Ryot and himself or servants; but they have no [illegible]rence whatever to the cases in which the Collector, as Magistrate, takes cogni[illegible] frauds in the customs, of smuggling, of selling spirits without licenses, o[illegible] of extortion or oppression committed by his own servants.

19. It is concluded by the Sudder Adawlut, that the Collector [illegible] interested party in all offences against the revenue laws, because "[illegible] all com-"plaints made under the laws in question against the officers employed in the "several departments, the Collector is interested as their immediate superior: "and in all complaints against individuals for infringing those laws he has an "interest, on account of the revenue derived from those sources; for allowing "that he derives no personal emolument from them, his reputation as a reve-"nue officer is concerned in maintaining the standard of his collections, which "is liable to be injured by every fraud." The Sudder Court seem to be aware, that the Collector can derive no emolument from the exercise of his authority as Magistrate. If he is not to punish offences against the revenue where he has

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has no personal interest, and merely because his reputation is concerned in maintaining the standard of his collections, it might, on the same principle, be said, that the present zillah Magistrate ought not to punish offences against good order, because his reputation is concerned in maintaining the peace of the country. But the Collector, as Magistrate, has not authority to punish those offences which can affect the standard of the revenue, for smuggling, the only offence by which it can be affected in any sensible degree, is not punishable by him. A short statement of the offences against the revenue which are cognizable by him will shew how little ground there is for apprehending that he can have any particular interest at all likely to influence his decisions upon them.

20. There are seven Revenue Regulations* under which the Collector will exercise, in a greater or lesser degree, the powers of Magistrate. Two of these Regulations are for salt, two for tobacco, and the three others for spirits and customs. By the salt and tobacco Regulations, all fines are ordered by the Judge, and all confiscations by the Board of Revenue: the Magistrate has no authority in either case. By the custom Regulation, all confiscations of goods are made by the Board of Revenue. By Section 21, Regulation I. and Section 16, Regulation III. 1812, the Collector, as Magistrate, has authority to fine persons convicted of defrauding the customs, in a sum not exceeding a hundred rupees to the use of Government; but the Collector has no interest in such fines, neither is he the prosecutor. The police officer, or other person who gives the information in the hope of a reward, or the fair dealer who suffers from the fraudulent one evading the customs, is the prosecutor. The Judicial code gives to the Magistrate the cognizance of the frauds against the customs specified in these sections, and we therefore continued it to him in our former draft; but in our present one we have transferred it to the criminal Judge, because we think it may be done without diminishing the efficiency of the law. By the spirituous liquor Regulation, the Collector, as Magistrate, has authority to levy fines for every breach of the law; but he can hardly in any case be the prosecutor himself. If the offence be either selling without a license or selling beyond the limit of the license, the prosecutor will be the license holder who suffers by the fraud. So many disorders arise from the illicit sale of spirits, both among the troops and the inhabitants, that it is absolutely necessary that the Collector should have authority to punish every offence against the Regulation now cognizable by the Magistrate, with the exception of those committed by the distiller of spirits for exportation, being an European, or the descendant of an European; which, in our present draft, are transferred to the jurisdiction of criminal Judge.† When the offence is of a higher nature, such as mixing noxious ingredients in the spirits for sale, it is punishable by the court of circuit, not by the Magistrate.‡

21. The revenue from the sale of spirits is drawn by the Collector from a few principal renters. This last class is generally composed of palankeen-bearers, peons, and the lower orders of the people: their rents individually are very trifling, and few of them have property to the value of a hundred rupees. It is against them that complaints are most frequent, for selling clandestinely, within each other's limits, to travellers, camp-followers, or troops: a fine of four or five rupees is usually a sufficient punishment. To make such matters cognizable by the zillah Judge, instead of the Collector, as Magistrate, would be to render the law nugatory. The control of them is properly the business of the police, and it seems to have been so considered by the Judicial code, as the preamble to the Regulation declares, as the ground of its enactment, "the immoderate use of country arrack, and other spirituous liquors, being equally "prejudicial to the health and morals of the people."

22. The Commission have left the power of punishment with the Collector, as Magistrate, where it appeared necessary: they could not otherwise have fulfilled the intentions of the Court of Directors, in transferring the duty of Magistrate.

* Regulation I. 1808, and II. 1807, salt; I. 1808, spirits; VII. and VIII. 1811, tobacco; I. and III. 1812, customs.

† Section 2, Regulation I. 1808.

‡ Clause third, Section 15, ditto.

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gistrate. They have no where altered the law in order to increase his authority; but they have, in several instances, altered it, for the purpose of diminishing the powers which he must have exercised, had the complete transfer been made, when they thought that this could be done without material inconvenience.

23. The Sudder Adawlut suggest, that the zillah Judge should, in place of criminal Judge, be constituted a Judge of sessions, whose "sittings might be "held monthly, commencing on a particular day of the first week of the "month, and continuing until the business of the session should be gone "through." By this arrangement, the Judge could only hear charges when the sessions came round, whereas, at present, he may hear them on any day he is at leisure. It might frequently happen, that a criminal case would come before him at a time when there was no civil court business, yet he would be obliged to postpone it until the regular sessions day.

24. It is observed by the Sudder Adawlut, "that while it is provided by "Section 31, that the Court of Circuit shall report to the Foujdary Adawlut, "and the Foujdary Adawlut to Government, any instance in which the Ma-"gistrates or their assistants may be guilty of misconduct or neglect in the "discharge of their official duties, this very proper provision is rendered use-"less by that contained in Section 42, which declares it to be unnecessary for "the Magistrates to make the depositions taken by them, in the cases referred "to, matter of record." It may be inferred from this observation, that the Magistrate is absolved from keeping any record at all, whereas he is required in all cases, except petty offences, to keep a record of his proceedings. The Sudder Court ask, "How then is the Court of Circuit to discharge the duty re-"quired of it?" To this it may be answered, that in the higher offences there was a record; and that in the petty offences, when there was none, the Court of Circuit was open to all complaints against the Magistrate for misconduct. But, in order to remove all objection on this head, the Magistrate, in the draft now submitted, is required to keep a record in every case of petty offence, where the punishment ordered may exceed a fine of five rupees or two day's imprisonment.

25. In continuing their remarks on the want of a record in petty offences, the Sudder Court observe, "that the administration of justice, so far as the "Collectors are concerned, is made a secondary duty; and the almost total "exemption from control, which is herein provided for them, may lead to "negligence, in the discharge of functions which appear to be thought so "unimportant." We are of opinion, that every control over the Collector, as Magistrate, is given, that can be necessary for any useful purpose. There are many petty offences, so trifling in themselves, that they ought not even to reach the Magistrate, but to be settled on the spot. To make such things matter of record, and to expect the Judge of circuit to enter into a grave consideration of them, would be to divert his time, and that of the Magistrate, from duties of real importance, and to waste it unprofitably, the one in recording, and the other in controlling what was utterly undeserving of notice.

26. In preparing the drafts submitted with our letter of the 25th June, we considered ourselves as authorized to suggest improvements on the code, under the original instructions to the First Commissioner, since sanctioned by the Honourable Court of Directors, in their letter of the 20th December 18[illegible]. The rules for the duty of the Magistrate being scattered throughout two large volumes, we thought it necessary to collect them into one Regulation, and to rescind others; and, in so doing, we have only followed the principle previously adopted by Government, with respect to Regulation I. 1812, by which one complete Regulation and six sections were rescinded; and also with regard to the District Moonsiff and Sudder Aumeen Regulations, by which two Regulations and fifteen sections were rescinded. Indeed, we found, upon an attentive examination of the code, that the respective duties of the Magistrate and the criminal Judge could not be clearly defined by a few additional sections referring to existing Regulations, and that confusion could be obviated only by collecting and comprising their several duties in two distinct Regulations.

27. The

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27. The Sudder Adawlut not having corrected our drafts, we have ourselves made such corrections as were suggested by a careful revision of them and by the remarks of that court. We have thrown the different reports, calendars, and forms of warrant, &c. we formerly entered in the body of the Regulations, into the appendixes, and we have changed the arrangement of some of the sections, where it was thought necessary for greater clearness or connexion. We have left out every thing respecting proclaimed offenders, because we are of opinion, for the reasons stated in the preceding part of this report, that the Regulation concerning them should be repealed. We have restored Sections 2 and 3. Regulation I. 1810, by which the Magistrate is to report to the Foujdary Adawlut in the case of resistance to process. We have made it the duty of the Magistrate to furnish the Judge of circuit with a calendar of petty offences and thefts, and a record of them when the punishment exceeds a fine of five rupees or two days' imprisonment: where the punishment is less, we deem the offence too trivial to require a record.

28. The cognizance of the breach of Section 2, Regulation I. 1803, by the distiller being an European or the descendant of an European, is transferred to the criminal Judge; because, as there are very few districts in which there is such a distiller, the offence will rarely occur, and may without any inconvenience be taken from the jurisdiction of the Magistrate. The frauds against the customs, specified in Section 21, Regulation I, and Section 16, Regulation III. 1812, are transferred to the cognizance of the criminal Judge, for the reasons already assigned.

29. The sections of the Act of the 53d Geo. III, relative to complaints against European British Subjects, have been left out, because we think that it will be better to publish the words of the Act in a separate Regulation. As the Sudder Adawlut have expressed a doubt, whether the Collector, as Magistrate, is the authority contemplated by the Act, and whether the Act is now applicable to that of the criminal Judge, though we have no doubt that it is so to both, we beg leave to recommend that the opinion of the Company's law officer be taken, as to whether it be applicable to the office of the Magistrate or of the criminal Judge, or to that of both, under the proposed Regulations, which require both the Magistrate and criminal Judge to take the oaths of Justice of the peace.

30. Should the Right Honourable the Governor in Council concur in our opinion, that Regulation XIII, 1809, and Section 9, Regulation VI, 1811, respecting proclaimed offenders, be rescinded, it will be necessary to include them in Section 2 of the draft of Regulation A, as rescinded, previous to passing the Regulations.

31. It appears, from the proceedings of the Sudder Adawlut, that they think it would be a preferable arrangement to that proposed by the Commission, to constitute the Collector Police Magistrate, and to leave to the Judge the office of Zillah Magistrate. This outline of their plan is so much at variance with what we conceive to be the intentions of the Honourable Court of Directors, that we deem it quite unnecessary to wait for its details, and we therefore beg leave to recommend, that the drafts now submitted by us be passed without further delay.

We have the honour to be, Sir,
Your most obedient humble servants,

(Signed) THOS. MUNRO,
First Commissioner.

GEO. STRATTON,
Second Commissioner.

Madras,
29th August, 1816.

JUDICIAL COMMISSIONERS *to* SECRETARY *to* GOVERNMENT,
Dated 4th September 1816.

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To the Chief Secretary to the Government of Fort St. George.

SIR:

In conformity to the resolutions of Government, dated the 25th May 1816, we have, as directed by the Honourable Court of Directors, in the 17th

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17th paragraph of their letter in the Judicial department, under date the 20th December 1815, incorporated in the Boundary Dispute Regulation provisions authorizing the Collector to settle "all disputes respecting the occupying, cultivating, and irrigating of land, which may arise between the renters and their Ryots." The words of the Honourable Court are, "authorizing the Collector, in the first instance, to hear and determine:" but as these words are used in referring to a recommendation of the Board of Revenue to that effect, and as the provisions are ordered by the Honourable Court to be incorporated in a Regulation which requires the Collector to settle disputes by the verdict of a punchayet, we conceive it to have been the intention of the Honourable Court that the disputes respecting the occupying, cultivating, and irrigating of land should be settled by the same rule; we have, therefore, provided in the draft of the Regulation now submitted by us, that the Collector shall determine the above disputes regarding the occupancy, &c. of land, as well as those respecting boundaries, upon the previous verdict of a punchayet.

The Collector, by the original draft, was authorized to annul the decision of a punchayet on proof of gross partiality; but the provisions of the Regulation being now extended to other cases beside boundary disputes, we have thought it advisable to withdraw this power from him, and to allow the decision of a punchayet to be annulled only by the provincial court of appeal, under the rules already sanctioned by Government in Regulations V and VII, 1816.

We beg to recommend that the draft now submitted be passed without delay.

We have the honour to be,
Sir,
Your most obedient servants,

Madras,
4th September 1816.

(Signed) THOS. MUNRO,
First Commsssioner.

GEO. STRATTON,
Second Commissioner.

MINUTES *of* COUNCIL,

Dated the 13th September 1816.

Minutes of Council, 13 Sept. 1816.

Read the following letters from the Commissioners for the revision of the Judicial system, with the drafts of Regulations marked A, B, C, and the Boundary Dispute Regulation which accompanied them.

(Here enter).

The President records the following minute:

(Here enter).

Mr. Fullerton and Mr. Alexander object to some of the provisions of the proposed Regulations, and will state the grounds of their objections in minutes which they intend to record.

The Regulations as now proposed by the Commissioners, with the alterations made in those marked A, B, and C, since they were referred, respectively, to the Sudder Adawlut and Board of Revenue, are passed by the Board.

The President records the following minute:

(Here enter).

Approved, and ordered accordingly, Mr. Fullerton and Mr. Alexander intending to state their objections in separate minutes. The necessary instructions will be furnished to the Commissioners and to the Inspector of the Government press.

(A true extract.)

D. HILL,
Secretary to Government.

MINUTE *of the* PRESIDENT,
Dated the 13th September 1816.

I SUBMIT to the Board two letters from the Commissioners for the revisal of the Judicial system, dated the 29th of August and 4th instant, together with a draft of the Regulations framed by them and forwarded with those letters, and I recommend that these Regulations may be now passed. Minute of the President, 13 Sept. 1816.

(Signed) H. ELLIOT.

Fort St. Geo[illegible] [illegible]th September 1816.

MINUTE *of* ROBERT FULLERTON, Esq.
Dated the 13th September 1816.

Par. 1. IN the minutes * which I had the honour to record, under date 8th March 1816, I stated my opinion of the transfer of magisterial powers to Collectors. I there pointed out what I conceived to be the advantages of uniting revenue and police functions, and what appeared to me the objections to a further transfer of magisterial powers. Those minutes were written under the impression that the intention of the Honourable Court went no further than the suggestion of the Police Committee of 1806, for the transference of the police department alone. Minute of Mr. Fullerton, 13 Sept. 1816.

2. However much I must lament that the sentiments I had previously recorded should have proved at variance with the orders and opinions since received from superior authority, I cannot conscientiously recall them. Intermediate reflection, and the consideration of various public documents since received, have added strength to the belief, that the whole and sole magisterial authority of the district, vested in the Collector, much of which must be delegated to native revenue officers, uncontrolled except by the occasional visits of the Judge of circuit, will establish a degree of power in the Revenue department, against the abuse of which no legal appeal can effectually be made.

3. That system is certainly the safest which trusts least to individual qualifications. By vesting so much authority in one person, we incur the risk of extending to the magisterial all the confusion, irregularity, and oppression, that have been found to accompany the slightest relaxation of European control on the Revenue department; and by uniting revenue and judicial powers, we lose the check of the one over the other, and multiply ten-fold the means of abuse which under such circumstances must arise.

4. The total transfer being now, however, positively ordered, it becomes our duty to carry it into execution. Nor would it be proper to urge further objections against it, with any view of opposing delay to its completion; nor is such necessary, with a view to future deliberation by superior authorities, as all those objections will be found amply detailed in the letters received from the subordinate courts, and referred to in paragraphs 97 to 127 of the Sudder Court's proceedings of the 15th August 1816. The measure having then been determined on, the mode of carrying it into execution becomes the only legitimate subject for present consideration.

5. The orders of the Honourable Court, taken to their full extent, would no doubt require the transfer to the Collector of all the duties now done by the Magistrate, including the charge of the jail, the commitment to the court of circuit, the attendance on that court, and the preparation of all the numerous papers required. That the execution of those duties would considerably embarrass the Collector and defeat the end in view by the alteration, seems to be admitted by the Sudder Adawlut as well as by the Commission. The necessity of continuing them with the zillah Judge formed a part of the arguments I have already used for the separation of police and magisterial duties.

6. In drawing the line of distinction, and prescribing the relative duties and powers of Magistrate and Collector, a difference of opinion subsists between the

* 1st and 8th of March 1816.

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the Sudder Adawlut and the Commission. The arguments of the first and the draft proposed will be found with the proceedings of 15th July and 29th August 1816: these of the Commission will be found in their reports of 25th June and 29th August 1816, with the draft accompanying. The first attaches to the Collector the subordinate duties of Magistrate, the cognizance of the lesser order of crimes, with the charge of the police, under the new denomination of "Police Magistrate;" the second gives all the ordinary magisterial duties, saving the charge of the jail, commitment to, and attendance on the court of circuit, to the Collector, constituting the zillah Magistrate a "Criminal Judge," with cognizance of the higher order of crimes, and those duties not given over to the Collector as the new Magistrate.

7. As the whole proceeding is founded on the express orders of the Honourable Court, individual opinion cannot have practical operation. It is not necessary to enter deeply into the discussion of the merits of either plan: the expediency of adopting one or the other must depend on this question, Which comes nearest the expressed object and intention of the Honourable Court? On this principle, I consider the draft of the Commission ought to be adopted, as being most consonant to the general view of the case pointed out in the several general letters on the subject.

8. I must, however, remark, that the criminal Judge, although placed ostensibly in the line of gradation between Magistrate and court of circuit, is debarred from all exercise of intermediate or gradationary control; an omission for which I can find no reason assigned. It is a power that he ought certainly to possess, and the exercise of which would go far towards the prevention of those abuses, the danger of which presents the great objection to entrusting Magisterial power with the Collector of Revenue. Progressive control and due subordination, throughout its various ranks and degrees, are essential to the regularity of every department: for this the existing code sufficiently provides, and points out the manner in which such should be maintained on the present occasion.

9. The purpose would be completely answered by the insertion of a section in the Regulation for the office of criminal Judge, authorizing him to receive and take cognizance of all petitions presented to him by any person conceiving himself aggrieved by any act of the Collector in his capacity of magistrate, his assistant, or any native officer of police employed under him, and to pass such order under the Regulation as may seem to him proper.

10. The powers here described are the same as those now exercised by the court of circuit, collectively, over Magistrates, under Section 16, Regulation IV. of 1811. The Commission have rescinded that Regulation entirely; but they have re-enacted the section above quoted, only as relates to the court of circuit and criminal Judge. The controlling power which that section conveys, continues operative only over that officer, whose direct magisterial authority being done away, the less requires it, while it is entirely withdrawn from him to whom the authority is transferred, and for whose control it was expressly enacted, at the very time, too, when the junction of revenue and magisterial functions renders control more imperiously requisite. For this omission no reason whatever is assigned: nor can I trace any thing in the orders of the Honourable Court militating against the insertion of so important and necessary a provision, in conformity with the established rule.

11. It may be argued, perhaps, that the general right of reporting on the conduct of Magistrates, vested in the Judges of the court of circuit, and the liability of Magistrates and servants to civil prosecution, will operate as sufficient check against irregularities; but the process, in either of these cases, is much too tardy to have effect. Magisterial abuse may operate in a manner pressing and immediate, short and summary means should therefore be open for obtaining relief.

12. The first drafts of these Regulations, as sent up with the letter from the Commission of the 25th June, were certainly, in many points, objectionable. Instead of merely transferring the duties of Magistrate to Collector, important alterations were made in the criminal code, no way connected with the orders of

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of the Honourable Court; and Government were thereby required either to pass the alterations without the necessary degree of consideration, or delay the preparation of Regulations required to be speedily put in force under the orders of the Honourable Court. I am happy to find the objections are now removed. Sections 2 and 3, Regulation I. of 1810, are restored, as they originally stood; and the repeal of Regulation XIII. of 1809, is submitted as a question for consideration, disconnected, as it certainly ought to be, with the immediate object of the three proposed Regulations.

13. As the recommendation of the Commission for the repeal of Regulation XIII. of 1809, is now before the Board, the present may be considered the proper time for recording the reasons which occur to me against that measure. Although gang robbery has never fortunately attained to that degree which it appears to have reached in the provinces of Bengal, when similar regulation was published there, it has nevertheless been, and still continues to be the prevalent crime in many parts of these territories, and particularly in the Northern Circars. The persons generally heading gangs are Rajah cast, Zemindars dispossessed for failure or former rebellion, or relations of Zemindars claiming zemindarries, and at variance with the head of the family. Taking advantage of the jungly and mountainous nature of the country to find shelter, they occasionally burn and plunder the villages of the low and settled country, with the view of exciting attention to their claims, and in the hope of inducing Government or their opponents to a compromise. Persons of this description generally have adherents. It is absolutely necessary that the aiding and abetting such offenders should be denounced as a crime, and efficient means taken to ensure the condign punishment for such being by no means uncommon.

14. As regards the offender proclaimed, the Regulation declares the punishment to which men subject themselves by resisting or flying from the process of the court, as regards the aider, abetter, or wilful concealer. It more distinctly defines the crime, and by proclamation points out the man, the assisting or harbouring of whom constitutes that crime, and the whole is calculated in a summary manner to rid the country of a notorious offender, dangerous to the peace.

15. The arguments adduced by the Commission against the severity of the law do not appear to result from much consideration of the subject. The circumstances stated, the possibility of compulsive aid, are matters that may be proved and adduced in mitigation or exemption from penalty, in the course of investigation directed to be pursued. The wilful aiding, abetting, or lodging robbers proclaimed, is not the less a crime because peaceable men may sometimes be compelled to afford them food and lodging. The circumstance of compulsion may be proved, as well as ignorance of the proclamation, if such ignorance existed; the latter, however, presupposes neglect of the Magistrate. On the principle assumed by the Commission, the sentence of death for murder might be objected to, because a man may sometimes be obliged to kill another in his own defence.

16. The settled state of the country may be ascribed, in a great measure, to the promulgation of the law, and its rescission might probably reproduce the crime. The law may, at first sight, appear to be severe, but there are many guards against its improper application. The case must be stated first to the Sudder Foujdarry Adawlut: the notoriety of the character of the party, the nature of the offence committed, must be considered, before the law can be acted on; and full authority is given to the Sudder court to mitigate the punishment whenever they see fit.

17. The arguments against any alteration of Sections 2 and 3 of 1810, and against the repeal of Regulation VIII. of 1809, will be found detailed at length in paragraphs 145 to 157 of the Sudder court's proceedings, under date 15th August 1816. They sufficiently display the misapprehension of the Commission as to the nature of the Regulations then discussed; and being founded on experience and practical knowledge, must be considered as conclusive.

18. In respect to the jurisdiction given to Collectors, in the capacity of Magistrates, over Revenue offences, the draft, as they originally stood, were certainly inadmissible, inasmuch as they manifestly united the prosecutor and the

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the Magistrate. The Collector is the guardian of the revenue interests of Government: if he does not prosecute (that is, bring before the proper authority every breach of the revenue laws) he does not do his duty. The office of Revenue Collector and Magistrate being united in one person, unless rules be laid down to prevent it, the official prosecutor and Judge would, in many revenue cases, be confounded.

19. It is quite impossible that the Collector can divest himself of all interests in revenue cases. He must have an interest in the extent of his collections: his credit and reputation, and in most cases his emoluments, are concerned. It is right and proper that it should be so, but excess of zeal must be guarded against. Its effects are known to all who have ever exercised the duties of deliberative control. That official interest biasses the judgment and disqualifies for impartial decision in cases when the office is concerned, is a matter long established, and confirmed by every day's experience. It is exactly on this principle that the due separation of executive and judicial duties has, since the establishment of a regular system of government, been deemed indispensable.

20. If the Revenue, therefore, is to have the benefit of penal laws, the administration of those laws must be in the hands of an independent person, who has no interest, personal or official, in the collection of the revenues concerned; nor is there any thing to be found in the letters from the Honourable Court of Directors to sanction such a deviation from long established principles of justice. If it be admitted, that the plaintiff is not to be the judge in civil process, it must follow that the prosecutor cannot be the Magistrate in the criminal side. The summary enumeration of the Regulations on revenue cases adopted by the Commission, may be pursued, to show the operation of the principle here laid down.

21. Regulation I. of 1805 and Regulation II. of 1807 declare all penalties for breach of the Revenue Laws then enacted to be recoverable only by the civil Judge, and leave no remark necessary, unless to inquire why penalties in other cases should be determinable by the Magistrate. The security contemplated in all is much the same.

22. (Regulation I. of 1808, Section 2.) The license here quoted is, to all intents and purposes, a mutual compact between the Collector and the distiller. The breach of compact and penalty resulting was, under the first draft, left determinable by the Collector, in his capacity of Magistrate; that is, by one of the contracting parties. It is surprising that the Commission overlooked, in the first instance, the legal inefficiency of such an arrangement; such a deed would, in law, have proved an absolute nullity. The oversight, though not acknowledged, is corrected in the draft now before us, by making the case cognizable by the criminal Judge.

23. (Clauses 1 and 2, Section 18, Regulation I. A. D. 1808.) Here we find the Collector in his capacity of Magistrate, punishing to an extent far exceeding his common powers, in a case in which he is interested, receiving two and a half per cent on the amount of revenue, which must be affected by every deviation subjecting to punishment. The offence is clearly a breach of revenue law only. It is quite different from that stated in clause 3 of the same section, which being in its nature an offence against the community, a nuisance, comes clearly under the criminal law.

24. The offence stated in clauses 1 and 2 should, therefore, have been made over to the cognizance of the criminal Judge. It is necessary also to remark, that although the Commission appear to consider it as similar to those under Sections 23 and 24 of Regulation I. of 1812, and Sections 20 and 21, Regulation III. of 1812, they have not limited the punishment to the quantum prescribed in Sections 32 and 33 of Regulation A. the common powers vested in the Magistrate, but left it in its original extent.*

(Regulation VII., A. D. 1811.) The penalties declared in this Regulation are cognizable by the zillah Judge or court of circuit. No objection to the unity of revenue and magisterial duties occurs.

25. (Regulation

* This error has been rectified since the Regulations were in circulation with me.

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25. (Regulation I. of 1812, Section 21.) The Collector must here, *ex officiò*, be the prosecutor, nine times in ten. His official interest is strong all through this Regulation, and his personal interest is directly involved. He shares the proceeds of the sale of smuggled goods; he punishes for smuggling or secreting articles smuggled. His interest is involved in both: the proof of the one is indeed the proof of the other. His claim to share is founded on the fact of smuggled goods being secreted, and the liability to punishment rests exactly on the same fact. To say the Collector has no interest, is to contradict the very letter of the Regulation, for Section 20 is expressly intended to give him that interest. The duties of Magistrate and the claim to share, here described, are perfectly incompatible in one person, and I cannot believe any Collector would wish to be placed in such a situation. The errors here noticed stood on the first drafts, and the advantages of reconsideration and further deliberation are conspicuous in the alterations; but it must not be forgotten, that the offence stated in Clauses 1 and 2, Section 13, Regulation I. A. D. 1808, still remain to be transferred to the cognizance of the criminal Judge.

26. On an attentive consideration of the Police Regulation, I do not find that any notice is taken in the report received from the Commission of Regulation I. of 1816, now in force, for the collection of police funds in the district of Tanjore. The system of police recommended by a Committee, about the year 1813, is now in full operation, and the people contribute largely for its support; the effects, therefore, of the publication of the Police Regulation, now submitted, as relates to that district, would be, that the inhabitants would have to do the duty, for the performance of which they already pay. Similar remarks apply, though not so directly, to the inhabitants of the zillah of Chingleput, where, as I understand, the contribution paid to Poligars for police expenses have not been relinquished, but assessed on the lands, Government maintaining the police establishments, under Regulation XXXV. of A. D. 1802, to the exemption of the people from the performance of that duty. This subject will be found fully detailed in the proceedings of the Board of Revenue of......

27. The state of police duties in these districts (and others may be found similarly situated) affords the exemplification of the expediency of some local inquiry preceding the promulgation of the Regulation, and I would certainly recommend, that the period for publishing them in legal form be left to the Commission. As it has not been judged proper to await the explanations called for, and which could alone enable Government to form an opinion how far the different districts were prepared for the introduction of the new system, the measure must rest on the responsibility of the Commission, and we must rely on their prudence and discretion for making such arrangements as may be required, for removing the impediments that seem to present themselves in particular districts.

28. Before I conclude, I think it right to remark, that the Commission were placed in communication with the local authorities so far back as March 1815, and no report of their proceedings, in consequence, has to this period been received. I beg leave to suggest, that they be called upon to submit periodically copies of their detailed proceedings, for the information of Government and the Honourable Court of Directors, in like form and manner as those furnished by all other subordinate Boards and departments.

(Signed) R. FULLERTON.

13th September 1815.

MINUTE *of* ROBERT FULLERTON, ESQ.
Dated the 13th September 1816.

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Having attentively considered the draft of the Regulation submitted by the Commission, in their letter of the 4th instant, "for authorizing Collectors to "refer disputes regarding boundaries, also respecting occupying, cultivating, "and irrigating of land in certain districts, to be decided by punchayet," the following

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following remarks occur to me, which I think it necessary to record. It is clearly the intention of the Honourable Court of Directors, that judicial powers should be vested in the Collectors, in certain revenue cases, to a very considerable extent. Such, indeed, is obviously the most important improvement in the system, inasmuch as it affords, by a more prompt and summary administration of justice, security and protection to a numerous class, who can neither afford the time nor expense required to conduct a regular suit. Under the provision of this draft, cases may come before the Collector, wherein extensive rights of Ryots, renters, Zemindars, and even of Government, may be involved; I consider, therefore, the obligation to refer all suits indiscriminately to the decision of punchayets to be objectionable. Cases in which Government are concerned should be decided only by the regular courts: cases may also occur, in which points or principles of general importance between renter and Ryot are involved, in which neither can be impartial arbitrators. For these reasons, it appears to me that the Regulation should contain an exception to cases where the interests of the Sirkar are concerned. A discretionary power should also be vested in Collectors to decide disputes themselves where they may see fit, their decision being immediately enforced, and reversible only by regular suit before the court: and reference should only be made to a punchayet when both parties may assent to that mode of adjustment.

I must also remark, that the fourth section of the draft seems to bear on the points already provided for under Regulation XXX. A. D. 1802. The Honourable Court of Directors have decidedly ordered the jurisdiction under that Regulation, also Regulation XXVIII. A. D. 1802, to be transferred to the Collectors; and Government directed Regulations to be prepared accordingly by the Board of Revenue, which, however, have not yet been received.* As these Regulations will set at rest any doubts that may be entertained on this point, it appears to me necessary that the Board of Revenue should be called upon to forward them without delay. They are the only documents now required to complete the new enactments directed by the Honourable Court.

(Signed) R. FULLERTON.

Fort St. George, 13th September 1816.

MINUTE *of* ROBERT. ALEXANDER, ESQ.

Dated the 13th September 1816.

Minute of Mr. Alexander, 13 Sept 1816.

In offering a few remarks on the revised Regulations submitted by the Commissioners, for transferring the duties of Magistrate to the Collector, for creating the office of criminal Judge, and for establishing an uniform system of police in the territories under this Presidency, it is not my intention at all to impugn the general principle of those Regulations, which, I perfectly concur with the Commissioners, has been peremptorily prescribed by the Honourable Court, or in any material degree to retard their enactment, the acceleration of which has been so anxiously pressed upon the attention of the Board by our President.

It would, however, be a criminal dereliction of duty, to pass the Regulations in question without noticing what, in the only perusal of them that I have had an opportunity of making, has struck me as defective, and which, if the Board should concur with me in opinion, would admit of easy correction, without involving any material delay in their promulgation.

The principal objection which has occurred to me to the provisions of Regulation A. for transferring the duties of Magistrate to the Collector, is the absence of that control which the Government, after nine years experience of the operation of that office, were pleased to impose on it, by the provisions of Sections 16 and 17 of Regulation IV. of 1811.

I am willing to admit, that by Section 40 of the present Regulation, a very salutary control is vested in the Court of Circuit over the recorded proceedings of

* Vide Regulation XVII. 1st March, 1815.

Minute of Mr. Alexander, 13 Sept. 1816.

of the Magistrate, and one that in most cases might prove sufficient, if it had full effect; but it is to be observed, that clause third of the above section loses much of its force, from the circumstance of the Commissioners having declared, by Section ... of Regulation B, that Section 24 of Regulation VIII. of 1802, which prescribes the duty of the Foujdarry Adawlut, in admonishing the parties, or eventually reporting to Government the conduct of the Magistrate, to be applicable only to the criminal Judge.

The omission, however, of the provisions of Sections 16 and 17 of Regulation IV. of 1811, as applicable to the Magistrate, is of much greater consequence. These provisions, it is to be observed, were considered a necessary, or at least a desirable check on the conduct of an officer, who was obliged, twice in the year, personally to present returns of all his proceedings in the criminal department to the Court of Circuit, whereby, of course, the best opportunity was afforded to that court, of scrutinizing, and if necessary of correcting them. If, however, under these circumstances, such a check was necessary, much more must it be considered so in the case of a Magistrate under the proposed system, who, upon the principle of avoiding collision, is relieved from the obligation of personal intercourse with the Court of Circuit, and only required to send him calendars, shewing part of the number of persons apprehended, released, and punished, and who, instead of as formerly confining the act of punishment to the principal station and the resort of the Circuit Court, will have his jail, and stocks, and whipping-post, in every the remotest village in the district; the erections of which, I may here incidentally remark, in the numerous parts of the country where they do not now exist, will not produce one of the least forcible effects of the new system.

In the opinion of the Commissioners, however, the sections before referred to of Regulation IV. of 1811, which, for the convenience of the Board, are quoted in the margin,* are not applicable to the Magistrate but to the criminal Judge, an officer who, by the present Regulations, has no original criminal jurisdiction, and whose proceedings in that department must almost of necessity, from first to last, come under the eye of the Court of Circuit. Had the Commissioners, after rescinding the whole of Regulation IV. of 1811, restored no part of it, the omission, in regard to the Magistrates, would not have been so obvious: but they have revised the clauses alluded to, and inserted them verbatim, in Sections 24 and 25 of Regulation B, for the office of criminal Judge.

I confess they appear to me, for the reasons I have before stated, little if at all applicable to the circumstances of that officer (except, perhaps, as far as respects the charge of the jail), though I am not at all desirous to expunge them from the Regulation for his office. At all events, it appears to me a matter of such consequence, that I consider it my duty, respectfully but earnestly, to recommend to the Board their insertion in Regulation A, whether they be excluded from Regulation B or not.

I would next advert to Section 33 of the Regulation, which limits the extent of punishment by the Magistrate for petty thefts. The utmost period of confinement allowed by this section is one month, which, like that of fifteen days allowed in the preceding section, is declared to be either in the village choultry or zillah jail, at the option of the Magistrate. It appears to me, that when a crime involves the punishment of so long a confinement as one month, the purposes of justice would be best answered by its taking place in the principal jail of the district; and for this reason, as well as that the latter jail may be supposed in general to be better regulated than the village choultry, I would recommend

[6 E]

* "Section 16. Two or more Judges of a Court of Circuit, forming a court at the Sudder "station, are further hereby declared competent, on all occasions, when it may appear necessary, upon petitions presented to them relative to the proceedings of any zillah Magistrate, or "of an assistant to a Magistrate within their jurisdiction, to call upon the Magistrate for his proceedings, or those of his assistants, on the case, and to pass such orders thereupon as they may "deem proper and consistent with the Regulations.

"17. In like manner, the court of Foujdarry Adawlut are declared competent to call for the "proceedings of any Court of Circuit, or of any zillah Magistrate, or assistant to a Magistrate, "whenever it may appear requisite, and to pass such orders thereupon as that court may deem "just and proper."

Minute of Mr. Alexander, 13 Sept. 1816.

commend that, in all cases involving so long a confinement as one month, or any exceeding fifteen days, the criminal should be sent to the zillah jail.

On Regulation B for the office of criminal Judge I have nothing to propose, except the obvious correction which I see was suggested by a remark in circulation, that the designation of "criminal Judge" should be observed throughout the Regulation, whenever that officer is mentioned, which in the draft has not been done.*

With regard to Regulation C, for the establishment of an uniform system of police throughout the territories under this presidency, I think it proper to observe, that it sets out with a preamble or formal declaration in the name of Government, that it is "expedient that a system of police, founded chiefly on "the ancient usages of the country, should be established," of course implying that such is the purport of the enactment: a circumstance, contradicted by the experience of facts, as recorded in various departments of Government, and not at all consistent with the subsequent provisions of the Regulation.

In the zillah of Chingleput, it is very obvious, from a reference to Regulation XXXV. of 1802, that the ancient usage in that part of the country had established a system of police, most materially differing from the one now proposed, and carried on by the agency of Poligars or Cavilgars, and other officers under them, in different gradations, down to the village Talliars: a system which, with little or no modification, was known to obtain throughout the provinces of the Carnatic, Tanjore, and the Southern Pollams.

In the Northern Circars, the information as to the ancient police, to be gathered from the reports of the local authorities, is very defective; but it may be said to have been carried on, in great measure, by means of an armed militia, whose Sirdars and their followers were chiefly maintained by lands held free or with trifling quit-rent.

These police agents, I believe, I am fully justified in asserting were, for the most part, independent, and unconnected with either the head Meerassadars of villages or the revenue establishments of the Government; persons who, in the system now to be established, form the principal agents under the Superintendent of Police, which must surely, therefore, be admitted to differ in too material a degree from ancient usage, to justify the declaration in the preamble to which I have objected.

This objection, it may be said, has little to do with the substantial provisions of the Regulation; and I am ready to admit the fact, and also most cordially to express my sense of the advantage which the proposed system, when established, will be found to possess over any that I can trace of ancient usage: but this does not remove, in my mind, the propriety of altering the preamble, which, as it now stands, appears to me calculated to involve the Government, of which I have the honour to be a member, in great inconsistency, and to convey deception to those who may peruse the Regulation at a distance.

I have, in the foregoing remarks, briefly touched on the circumstances tending to shew the degree in which the proposed system of police differs from that of ancient usage: but the fact will become fully evident, by a reference to the proceedings of the Board of Revenue upon some parts of the present Regulation which has been sent down to them, and on which they have reported on the 22d August.

Another point I cannot avoid noticing is the proposition contained in the latter part of Section 48, that all the "police and revenue servants shall be "regarded as belonging to the Revenue establishment only."†

That the duties of revenue and police shall be indiscriminately performed by all the servants under the Collector and Magistrate, according to the orders of that officer, may be very necessary for the efficiency of both departments; but that the just expenses of the one establishment should be lost sight of, by blending

* This trifling omission has been since corrected.

† These words have since been excluded by the Commission from the Regulation.

Minute of Mr. Alexander, 13 Sept. 1816.

blending them with those of the other, is an effect of the system which, I conceive, we are called upon to obviate, as much as possible, both from a general principle of preserving distinctness in accounts, and also that we may have the means of exhibiting a correct statement of the effect of the system, in a financial point of view, to the Honourable Court of Directors.

Much has been said of the expense incurred by the establishment of the police on the introduction of the judicial system; but when the facts detailed by the Board of Revenue, in their report under date 18th December last, are considered, when a fair view is taken of the resources actually ascertained to have been assumed by the state, which were formerly appropriated to police purposes, and the reductions of many sibbendy corps, which the improved state of the country rendered unnecessary, the advantage, in point of economy will, I have little doubt, be found on the side of the present system; and though I hope and believe that still greater benefits, in point of economy to the Government, may be found to arise from the system now in contemplation and about to take place, it appears to me regular and desirable that the amelioration should be shown, as far as possible, in the distinct branch to which it may belong.

Section 44 of the Police Regulation provides for the prosecution of any of the subordinate police servants for extortion, oppression, or any abuse of authority, either civilly before the zillah court, or criminally before the Magistrate, which latter officer, in the event of conviction, is authorised to punish by imprisonment for the period of three months. This provision, I confess, appears to me entirely contradictory to the assertion contained in the ... paragraph of the report of Commissioners, and to exhibit a material alteration of the law, the effect of which is greatly to increase the authority of the Magistrates. It may, however, be considered a proper power to invest him with, in order to counteract the temptations to abuse of authority, which may be found to exist in the exercise of the duties of his widely extended establishment.

This argument, however, does not apply to the following Section 45, which provides for the trial of persons charged with preferring false, frivolous, or vexatious complaints against the police servants, for the crimes specified in the preceding section, and authorises punishment, in the event of conviction, to an equal extent.

To the last section, I confess, there appears to me to be a very serious objection, as its effect must tend to deter most persons from complaining at all; for it will require, I will venture to assert, not only just cause of complaint, but greater strength of mind than natives will in general be found to possess, to enable them to overcome the fear and repugnance excited by a knowledge, that the person to whom they appeal (master, let it be remembered, of the servant against whom they complain) is empowered by law, in the event of the failure of their suit, and in that case its too easy construction by their adversaries into proof of falsehood or malice, to inflict so heavy a punishment as an imprisonment for a period of three months.

Adverting to this extent of punishment alone,* so much beyond what the magistrate is in ordinary cases allowed to inflict, it would appear to me only consonant to the principle of the Regulations now under consideration, to refer the cases included in Sections 44 and 45 of Regulation C. to the cognizance of the criminal Judge; but when all the other circumstances are considered, and particularly the relation in which the Magistrate must stand, either to the complainant or the accused, the arguments for the measure acquire great additional force, and I accordingly feel it my duty to recommend an alteration to that effect.

The foregoing short observations embrace the principal alterations in the Regulations before the Board, which have struck me as desirable previous to their promulgation, and which I shall proceed to recapitulate.

1st. The

* The extent of punishment has been since altered by the Commission, but the principle has not, which I consider entirely objectionable.

Minute of Mr. Alexander, 13 Sept. 1816.

1st. The restoration in Regulation A of Sections 16 and 17 of Regulation IV. of 1811.

2d. The confinement of all prisoners sentenced by the Magistrate to imprisonment, exceeding fifteen days, in the zillah jail.

3d. The observance of the designation of criminal Judge throughout the whole of Regulation B. *

4th. An alteration in the wording of the preamble of Regulation C.

5th. The avoiding any direct legislative enactment, obliging all police servants to be classed as revenue servants, which may be done by the omission of a few words at the close of Section 48. †

6th. The declaring all cases of complaint referred to in Sections 44 and 45 of Regulation C cognizable by the criminal Judge instead of the Magistrate, whose subordinate agents of police must, in all cases alluded to, be either accusers or accused.

The whole of these alterations, if adopted, could not retard the promulgation of the Regulations one day; and, for the most part, affect in no degree the principle of the system.

I have offered these remarks for the consideration of the Board, under the assumption that the whole of the districts under this Government were ready for the reception and operation of the regulations; but I confess, when I contemplate the great differences that still obtain in the municipal constitution of several of the provinces, as more particularly brought to the notice of Government in the proceedings of the Board of Revenue, under date the 23d August, now before the Board, the act of declaring one system applicable to the whole, and of annulling at one stated period the whole of the existing establishment of Darogahs, as prescribed by Section 3, Regulation C, appears to me a measure of most awful responsibility, of questionable effect, and one which it behoves Government to adopt with extreme deliberation and caution.

The first change in the ancient police system of the country was confined, in the first instance, by the Government which introduced it, to the zillah of Chingleput; and I am of opinion, that the present police Regulation should have only local effect in those districts which the Commissioners may report best prepared for its reception, and thus be gradually introduced, until, if found applicable, it may be extended to the whole of the territories under this presidency.

(Signed) ROBERT ALEXANDER.

13th September 1816.

MINUTE *of the* PRESIDENT,

Dated the 17*th September* 1816.

Minute of the President, 17 Sept. 1816.

The President, with a view to save time and to enable Government to pass the Regulations of the Commission before the sailing of the Larkins, having communicated with them upon all the material objections made to their provisions, the Commission had, in consequence, made some alterations in the drafts of those Regulations, as originally submitted by them, which will be found to be in conformity, in some respects, with the opinions of Messrs. Fullerton and Alexander, as stated to the Board.

The chief objections of both those members of the Board is with regard to the absence of control over the Magistrate, occasioned by the omission of Sections 16 and 17, Regulation IV. 1811, in the Magistrate Regulation.

In this point the Commission have made no alteration, and the reasons they assign for making none appear to me satisfactory.

They

* This is done.

† Those words have been omitted since this paper was written.

They state, that the additional control over the Magistrate, given by these sections, was not found necessary till 1811.

Minute of the President, 17 Sept. 1816.

That, by Section 12, Regulation IV. of that year, the powers of the Magistrate were considerably enlarged; that the additional control over him seems to have been deemed expedient, chiefly in consequence of these extended powers, as it is given in the same Regulation; that as these additional and higher powers will now be exercised by the criminal Judge only, they have made the additional control applicable to him.

That the Collector, as Magistrate, has only the ordinary powers formerly belonging to the zillah Magistrate under the code; that in cases of corporal punishment, where those powers are reduced nearly one half, as he can now inflict only eighteen instead of thirty rattans, and that as the Judge of circuit can send him such orders as he may think proper, respecting the proceedings forwarded with his calendars, to which he is bound to conform, and can report for the orders of Government all complaints against him in every instance of misconduct, the control under which he is placed seems to be quite enough to answer every useful end.

With regard to the objection of the inhabitants of Tanjore not being liable to the performance of police duties, because they pay a police tax, it may be observed, that the great mass of the inhabitants will not be required to discharge any such duties.

The produce of the tax will go as usual to the maintenance of a police establishment; but the heads of villages in that district will be required, like those of other districts, to take charge of the police servants of their respective villages.

The head of the village contributes no more to the police than any other inhabitant: he pays one or two fanams a year, according as his house may be thatched or tiled. It surely cannot be supposed that the payment either of one or of two fanams a year is to exempt the head of the village from the performance of his duties; more particularly as his police duties are so light as to be little more than nominal, and as he is generally glad to undertake them, for the sake of having the village servants at his disposal.

The imaginary right of the head of the village to exemption from police duties, because he pays a police tax, might easily be done away, by exempting him from the payment of his one or two fanams, which would hardly make any perceptible diminution in the produce of the tax; but such an exemption does not seem necessary, because he does not act exclusively as a police officer, but discharges police duties incidentally, as part of the general duties of his office as head of the village.

The President approves of Mr. Fullerton's suggestion, that the Board of Revenue be called upon for the Regulation which they were ordered to prepare, by the seventeenth resolution of Government, dated 1st March 1815.

(Signed) H. ELLIOT.

Fort St. George, 17 September 1816.

JUDICIAL COMMISSIONERS *to* SECRETARY *to* GOVERNMENT, *Dated 23d September* 1816.

To the Chief Secretary to Government of Fort St. George.

Report of Judicial Commissioners, 23 Sept. 1816.

SIR:

WE have the honour to acknowledge the receipt of Mr. Secretary Hill's letter of the 13th instant, and to report that Regulations IX. X. XI. and XII. 1816, have been printed, and will this day be sent to the Secretary's office.

 We

Report of Judicial Commissioners, 23 Sept. 1816.

We have no doubt that, when sufficient time shall have passed for these Regulations to be generally understood, and to be completely carried into effect, they will be found to answer the ends expected from them by the Honourable Court of Directors.

We have the honour to be, &c.

(Signed) THO^s. MUNRO,
First Commissioner.
GEO. STRATTON,
Second Commissioner.

Madras, 23d September 1816.

MINUTE of PRESIDENT,
Dated 31st December 1816.

Minute of President, 31 Dec. 1816.

The Regulations drafted by the Commissioners for the revision of the judicial system having been completed and promulgated, after laborious investigation and voluminous discussions, in the progress of which the presence of the Commissioners at the Presidency was indispensable, the period is at length arrived when Colonel Munro, the First Commissioner, is to proceed to visit such of the districts as he may think necessary, for the purpose of observing the progress made in the introduction of the new Regulations, and of communicating personally with the local authorities on the best means of obviating any difficulties which may arise.

It is with regret I am to state, that Colonel Munro would have proceeded to fulfil this duty at an earlier period, if he had not been detained at the Presidency by a severe indisposition.

In adverting to the approaching departure of the First Commissioner, I beg leave to bring to the attention of the Board the sixth paragraph of the Court of Directors' letter to Madras, under date 20th December 1815, which states as follows:

" Par. 6. " The residence of the second member of the Commission at the " Presidency will enable the senior member to employ much of his time, con- " formably to the fifth paragraph of his instructions, in visiting the districts, " for the purpose of communicating personally with the local authorities on " the system of internal administration, its operation, whether in opposing or " promoting the comforts of the people, and the prosperity of the country, and " the means by which it may be improved." " Far from objecting to the lati- " tude which is given to Colonel Munro in the fourth and fifth paragraphs of " his instructions, we much approve that you have directed his inquiries to the " revenue as well as to the judicial branch of the administration, and we have no " doubt that you will be equally disposed to attend to his suggestions for the " improvement of the one and the other."

In conformity to the instructions contained in the above paragraph, I now propose that Colonel Munro be directed to make such inquiries into the revenue affairs of the districts through which he is to pass, as he may think useful, and to report his observations to Government.

(Signed) H. ELLIOT.

Fort St. George, 31st December 1816.

MINUTE of ROBERT FULLERTON, ESQ.
Dated 12th February 1817.

Minute of Mr. Fullerton, 12 Feb. 1817.

Agreeably to the intention expressed at the conclusion of my minute of 17th September last, I beg leave to record my opinion, as to the mode of transferring to Collector's jurisdiction in certain revenue cases.

Par.

Minute of Mr. Fullerton, 12 Feb. 1817.

Par. 1. The Commission have already proposed, and Government have passed a Regulation for vesting in the Collector, power of taking cognizance of disputes regarding boundaries of lands and of villages, as also in certain districts respecting occupancy, cultivating, and irrigating lands, between proprietors or renters and their Ryots, and of referring the same to punchayets of districts or villages for adjustment. The enactment of a Regulation to this effect is certainly ordered by the Honourable Court, but the Regulation passed appears to me to perform the object in view in a very partial and imperfect manner. The Commission seem in its compilation to have followed rather the letter of one paragraph of a general letter, than the great and leading principles, as conveyed in the several communications from the Honourable Court, on the subject of vesting judicial power in Collectors. The duty of preparing Regulations for the enforcement of the rules regarding pottahs and distraint by Collectors having been assigned to the Board of Revenue, the Commission probably considered themselves debarred from entering fully into the question. In my minute of 13th September, I stated briefly the alterations that I conceived should be made in that Regulation: as it forms, however, a part of a general subject of great importance and extensive operations, and is now the only point contained in the Honourable Court's letter of the 29th April 1814 not provided for, it will be necessary to refer to all their communications on the vesting of judicial power with Collectors. It will be found they involve important and salutary alteration in the administration of the laws for the security of the Ryots in their possessions, and for affording them redress against undue exaction, by the abuse of distraint and neglect of the pottah Regulations.

2. The remarks on this subject contained in paragraphs 167 and 168 of the revenue letter from the Honourable Court, under date 12th April 1815, arose out of a proposition from Mr. Ravenshaw, Collector of South Arcot, to vest in Collectors power of taking cognizance, in the first instance, of all disputes between renters and their Ryots, regarding cultivating, occupying, and irrigating land. The proposition had been approved by Government, and in their resolution, under date 4th February 1814, the Board of Revenue were directed to prepare a Regulation accordingly, or rather to insert the provisions in the Regulation then in contemplation for the decennial leases. In the 469th and 470th paragraphs of the same letter from the Honourable Court, the proposition of Mr. Ravenshaw for vesting in Collectors power to hear and determine suits between Zemindars or renters and their Ryots, respecting revenue collections, is also referred to, and the Honourable Court, expressing a favourable opinion of such an arrangement, intimate the intention of sending copy of their dispatch to Bengal on the subject. That document has since been received, and Government are directed, should they not feel prepared to adopt that principle, to take the opinion of the Sudder Adawlut, the Provincial and Zillah Courts, the Board of Revenue, and above all, of the Commission.

3. In the Judicial letter of 29th April 1814, the attention of Government is recalled to a former communication of 16th December 1812, on the enforcement of the pottah Regulation; and it is subsequently observed, that that matter falls under cognizance of the Collector, in his magisterial capacity. The revisal of the Regulation regarding distraint is also pointed out as being necessary, and the prohibition on the power of distraint without judicial process is also suggested as a proper measure, adding that no arrears should be recoverable, except the demand be founded on a pottah. Disputes regarding boundaries are also mentioned as fit subjects for the Collector's decision, and the revenue cases alluded to are suggested as proper for the decision of punchayets, if *such should be considered necessary.* The views of the Honourable Court must be looked for, therefore, in the letter from Mr. Ravenshaw, which produced the remarks, and in the letter to Bengal, which is stated to contain their sentiments on the subject. Those sentiments will be found in paragraphs 69 to 87; but the essential principles on which the existing law should be amended will be found in paragraphs 77, 78, 79, and 80, the latter of which I beg leave to quote.

" We must own that these Regulations, as they affect both Judges and Col-
" lectors, appear to us to be imperfectly adapted to the objects they have in
" view, which, in our opinion, can only be effectually obtained by a provision
" *which*

Minute of Mr. Fullerton, 12 Feb. 1817.

" *which should enable the Zemindars, on the one hand, by a prom* [illegible] *nd summary* " *process, to realize their dues from the cultivators, and there* [illegible] *fil their en-* " *gagements with the state ; and, on the other hand, which sh* [illegible] *extend similar* " *facilities for the protection of the cultivators from the exactio* [illegible] *e Zemindars.* " We are strongly inclined to think that, by bringing this [illegible] old object under " the *bonâ fide* cognizance of the Collectors, subject to th [illegible] *l of the regular* " *courts of justice, by way of appeal*, in cases of sufficient [illegible] nce, both de- " scriptions of our native subjects would be greatly be [illegible] but as the sub- " ject is one of great importance, we are desirous [illegible] you ould take mea- " sures for collecting the sentiments of the Judges [illegible] d Col [illegible] ctors upon it, as " well as the more detailed ideas of the Sudder [illegible] ewann [illegible] dawlut, and we " shall expect to be furnished with the result of [illegible] ur own [illegible] liberations upon " the general question."

4. To the first point, then, the prompt and summary [illegible] ns afforded to Zemindars to realize dues from the Cultivators, it will only [illegible] necessary to recapitulate the powers the Regulations confer for that purp [illegible] e. Section 10, Regulation XXX. of 1802, confers on Zemindars and proprietors a right to eject the occupant Ryot from his lands, if he refuses to give the muchulkah on the prescribed terms, and to grant the land to another.

5. Under Regulation 28, the power of distraint is conferred on proprietors and under farmers, "in order that they may have the means of compelling "payment from defaulters, without being obliged to have recourse to the "courts of judicature, and incurring the expense and delay necessarily attend- "ing a law process for the recovery of arrears of rents or revenue." The powers vested, under Section 10, Regulation XXX., then, authorize landholders, by a prompt, summary, and direct act of their own, to compel Ryots to an agreement for occupying and cultivating their land ; and Regulation XXVIII. authorizes them, in a like short and summary manner, to distrain Ryots' property for arrears, without reference or appeal to any court or public officer. That the powers so given are fully sufficient, has never been disputed : the evil is by many considered to rest on the other side.

6. The Regulations in question, in vesting a certain power, prescribe also a certain remedy against abuse of that power. Thus the principal provisions of Regulation XXX. are expressly intended for the security of the Ryots in the possession of their lands. They authorize them to demand a pottah, and subject landholders to prosecution and penalty for refusing to grant it within a reasonable time. They require the whole demand to be consolidated on the pottah. They are subject to penalty for demanding or receiving more than specified in the pottah, and subject to damages for the refusal of receipts for money paid.

7. In regard to the law of distraint, the object of the Regulation, as respects Ryots, is declared to be, that under-farmers and Ryots may be protected from the oppressive exercise of such power (of distraint). We accordingly find distrainers bound to follow the rule prescribed. They are liable to damages and penalties, if they distrain where no arrear is due, or infringe, in the slightest degree, the terms and provisions of the Regulation ; and all suits arising out of it are to be tried in preference to others. So far the law is, in principle, correct, and requires no alteration. *It is the mode of administration that is understood to have produced, in regard to Ryots, the complete failure of all its objects.* The power vested in the landholder is prompt, summary, and efficient : the remedy of the Ryot is consequential, and to be obtained only by slow process of law ; and considering the relative state of the parties litigant, seems generally admitted to be absolutely unattainable under Regulation XXX. Occupancy for example. The Zemindar may eject the occupant Ryot on his own construction of Section 9, and may continue for a time to pay his kists, although the land lies waste, but the Ryot losing his land is ruined : he can neither afford money nor time to sue for recovery, and is of necessity compelled to accept the terms that may be offered, or to forfeit his lands. Here, then, it seems one of the essential principles of the permanent settlement, beautiful as it appears in theory, is completely destroyed. The Ryots, instead of deriving security of occupation at a determinate rate, are subject to increasing demands and progressive impoverishment, and the value

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value of the land, the ultimate security for the revenue, is always liable to be diminished, while the cultivation of the land, under a careless and dissipated Zemindar, instead of being conducted by a prosperous peasantry attached to the soil, is at last left to a wandering set of beggarly Pykarries.

8. The only chance of the law intended for the benefit of the Ryots taking effect rested on the strict and efficient enforcement of it at the outset. Considering, however, that the Ryot's right of occupancy was not a right distinctly understood, nor previously established in Zemindar districts, it is little to be wondered at that the law has become a dead letter. It must, however, be observed, that the non-issue of pottahs does not always rest with the Zemindar. In many parts of the country the Ryots are stated to be as averse to the exchange of pottah and muchulkah as the Zemindars. Under all the uncertainty of seasons, both parties are unwilling to bind themselves to any specific engagements. In some districts the rates of assessment are so well understood that the exchange of pottah and muchulkah are not considered necessary. The reply of the Board of Revenue to the seventeenth resolution of Government, of 1st March 1815, assigns generally the causes of the non-issue of pottah, and requests permission to defer the preparation of the Regulation until further information be received.

9. It is not, however, the law itself that we are required to change, but the mode of administration, so as to render it more prompt and efficient on behalf of the Ryot: it is not, therefore, necessary, at the present stage of the proceedings, to go into the investigation contemplated by the Board of Revenue. If the power of landholders be direct and summary, so should the means of remedy be against abuse to the Ryot, and that can only be done by interposing the summary and interlocutory jurisdiction of the Collectors, *not to decide finally, but to guard the Ryot against abuse, to maintain him in his possession where there appears no just ground for his ejection*, leaving the burthen of law process to the party the best able to bear it. The means of enforcing the grant of pottah to the Ryots, if they choose to resort to it, must be facilitated at all events: whether it suits them to avail themselves of it or not, is an after question. A better judgment may be formed on this point, when we are sure it is want of will, and not of means, that prevents their now resorting to it. I do not mean to say that alteration in the law itself may not hereafter be found necessary; but such should be the result of practical experience in its active state, after the existing cause of its dormancy has been removed.

10. It must be remarked on this part of the subject, that great diversity of opinion and variation of report exists. I have stated the case as seems generally understood, and as it corresponds with the observations I have had an opportunity of making on Zemindars' districts; but it is necessary to mention, that statements are on record, whereby it appears that the Zemindars, as well as renters, are even now unable to bring Ryots to a fair agreement for rent, or to collect the rents when due: and it is the opinion of some who had means of observation, that the difficulty is rather on the side of the Zemindars. Local circumstances may have produced different districts; but however this may be, a more prompt and summary mode of applying the law will tend to remedy inconveniences, on which ever side they rest. *Sic. orig.*

11. In the eightieth paragraph of the letter to Bengal, above quoted, the Honourable Court contemplate the placing of the twofold object, the security of the landholder as well as of the Ryot, under the cognizance of the Collector. It is, however, in few cases necessary that the landholder will retain the power of direct execution, liable only to the check of the Collector, before whom he will appear as defendant for abuse of power. It does not seem advisable to preclude the direct exercise by the landholder of a power necessary for the realization of the revenue; an order, therefore, to apply, in all cases, to a Collector, for leave to eject a refusing Ryot, or for distraining the property of a defaulter, would only subject to inconvenience or delay, and even lead to a useless investigation, in all cases where arrear was actually and indisputably due. It is not the propriety of the right, or power of ejecting or distraining, that is questioned, but the means of preventing abuse, that are said to be insufficient. It

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It is, therefore, the remedy of abuse only that is the proper [illegible] the Collector's jurisdiction; but as the Ryot has the benefit of the [illegible]'s summary powers, so should the landholders, when such is requir[ed] [in] the cases stated in Sections 16 and 17 of Regulation XXVIII. of [illegible]

12. The Honourable Court have suggested, that no [illegible] should be allowed, except for arrear founded on a pottah. The pri[nciple is] no doubt correct, and must be held in mind as an ultimate arrangeme[nt to b]e attained; but if it be true, and I have no reason to doubt it, that the [interchan]ge of pottah and muchulkah does not now generally prevail, and that [the no]n-issue of the pottah rests as much with the Ryot as with the Zeminda[r, it] would seem unreasonable to bar the only efficient means in the hands of la[ndh]olders for recovery of their dues, while the fault lays in part with those f[or] whose protection the issue of pottah was prescribed. Disputes arising ou[t o]f the distraint Regulation will naturally lead, in the first instance, to the req[uisi]tion of the agreement for rent: it is the first document the Collector would [ca]ll for. The speed and facility in adjusting the dispute by its production wo[ul]d, on practical operation of the Collector's jurisdiction, produce in the end conformity with the pottah Regulation, so as to render expedient the promulgation of a provision, that after a certain period no distraint should be legal, unless for arrear founded on written engagement.

13. A new Regulation, on the principle of leaving the law itself as it is, transferring only the jurisdiction to the Collectors, would, I am convinced, operate in full completion of the orders and instructions of the Honourable Court. In paragraph ...... of letter from the Honourable Court, they observe on the propriety of vesting further judicial powers relating to collections between Zemindars or renter and Ryot, and recommend our consulting the Board of Revenue, the Sudder and Provincial and Zillah Courts, and above all the Commission; but it must be evident that the jurisdiction over Regulation XXX. and XXVIII. necessarily involves complete jurisdiction over collections, in the first instance, and seems to preclude the necessity of further provisions. All the powers exercised by Collectors between Zemindar and Ryot would be alike applicable between renter and Ryot in rented districts.

14. As I have, in another place, stated objections to the transfer of full magisterial powers to Collectors, perhaps it will be a matter to remark, that not on this only, but on former occasions, I have proposed granting such extensive judicial powers to Collectors in civil process: but to those who attentively examine the principles on which my propositions are founded, it will be evident that, in the magisterial department, the powers are immediate and direct, most extensive in operation and under distant control, whereas, in the civil cases now before us, the decision of the Collector is intended to be final. In one instance he is vested only with summary and interlocutory judgment, to save the right of Ryots in the first instance, and every act is revisable by the regular Courts.

15. It may be proper here to remark, that it is not intended to shackle Collectors in their jurisdiction by any regular forms or records, or to subject summary suits before them to fees or costs. It will rest with them to conduct their investigations in such manner as may appear to them most conducive to the discovery of truth, by oral testimony, local scrutiny, or by deputation and report of their assistants or Tehsildars under due control. An abstract diary of complaint and decision is all the record that can be required; for the revision of the court will operate, not in the shape of an appeal, but as a regular suit *de novô* against the party in whose favour the summary investigation of the Collector may have terminated. Any attempt at form and Judicial record would delay the course and defeat the end in view.

16. The Collector has certainly at his command extensive means of information for the immediate adjustment of disputes on revenue cases, and equall[y] extensive means for the prevention of crime and discovery of offenders in [mat]ters of police. In availing ourselves of his local means in the administration [of] justice, civil or criminal, the great object must be to use his agency without affecting or diminishing the respectability or supremacy of the courts of justice, and his responsibility thereto. The agency of the Collector may afford an use-

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ful step [illegible] ladder of justice; but we must be careful that it be not a barrier against a[illegible] to the higher courts, and the last resource by those who consider them[illegible] aggrieved by any of his acts in the civil or criminal suits.

17. The R[illegible]tion for adjustment of disputes concerning boundary occupation and irriga[illegible] of land having passed, my remarks will, on these points, be considered to be written with a view only to further deliberation by superior authorities. It is necessary that I should enter into some further explanation, and I must confess that under the view of the Honourable Court's orders, deduced from all their com[illegible]nication, I should have proposed proceeding in this exactly as in other revenu[illegible]ses before us, that is, without altering the law itself I should have transfe[illegible] the jurisdiction over the summary provisions of it, to the Collector.

18. Regulation XXXII. o[illegible]802 is correct in principle, and, if duly enforced, must be useful in practi[illegible] The analysis of its provisions will show that it is the prompt application, and [illegible] the alteration of them, that is required for the ends of justice. The intention [illegible]s conveyed in the preamble, is to prevent affrays and bloodshed in boundary disputes.

Preamble. Section 2 prohibits claimants from taking forcible possession, and directs a regular suit before the courts. The provision is probably less operative than it should be, because the process directed is too tardy, too distant, and does not meet the contingency of the case. The parties, aware of the delay, take the law into their own hand. Let the application be made to the Collector, and let that officer have the authority of putting one party immediately in possession, and maintaining him in it until a regular suit (if the other chooses to resort to it) settle it otherwise. The efficiency of the Regulation will be felt. The settlement of the Collector is as likely to be right as that of the Judge, probably more so, and in most cases will be confirmed.

Section 3 contains the penalty denounced against forcible seizure, which may, in the first instance, be enforced by the Collector. If the suffering party may consider himself unjustly dealt with, he can go to the court by regular suit, get back his land if he has a right to it, and recover his damages.

Section 4 contains the penalty for forcible possession, where wounds or death have resulted, viz. absolute forfeiture of civil right to the land, and liability to trial on the criminal side. The first may be declared by the Collector, subject to revision by the Judge; the second may be done by him as Magistrate, and might have been done by him as superintendent of police. The facts of forcible entry, and wounds or death inflicted, proved before the Judge, confirm the forfeiture. Both civil and criminal justice is here accelerated by the use of the Collector's authority.

Section 5 is a rule that may be enforced by the Collectors as well as by the Judges.

Section 6 contains a penalty against both the parties; and a most useful one it would be, provided the Collectors were authorized to enforce it summarily and immediately, by assuming possession of the lands for Government, the ultimate decision being left to the Judge or to the upper courts, if the extent of land be such as to warrant it. In all cases of dispute, the right of appeal to upper courts against the zillah courts' decision may be left to depend on the amount value at stake. It is not the ultimate right that is the cause of battle, but the immediate possession pending suit. A power on the spot authorized to determine that possession, or even to assume it at once for Government, will supply the remedy; and here, as in other cases, the operation of punchayet adjustment would not be sufficiently speedy to operate towards the prevention of affrays.

19. The remark of the Honourable Court on this point is very short; and it [illegible] possibly have been meant generally to give the Collectors jurisdiction, but not absolutely to order and direct one determinate course of settlement by punchayet without any discretion whatever. That many cases of boundary disputes may be settled to great advantage and convenience by punchayets, cannot be denied. Such, for example, when the rights of occupant Ryots only

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are involved, disputes between field and field, or even village a[illegible] may be adjusted by mutual arbitration of inhabitants of neighbouring villages; and the Collector should, no doubt, have power to refer such disputes to arbitration (parties agreeing to it). But in the general term "boundary disputes," rights may be involved which cannot with propriety be discussed by a punchayet of villagers. A dispute regarding boundary between two villages, one of which is a Sircar village, the other belonging to a Zemindar, Enamdar, Jaghiredar, or any person to whom the proprietary right has been transferred, involves not only the right of occupancy of the Ryot at the established share or rate, but also of the Sircar share of produce: for this reason, discretion should be left with the Collector in regard to reference to punchayets.

20. In a village boundary dispute, where the disputing villages belong to different Zemindars, landed property may be involved, to an extent that would authorize appeal even to the highest court. [illegible] decision by punchayet, on the requisitions of one party, would preclude important cases of property from the jurisdiction of the courts of justice. [illegible] of villages are apt to fight for posses[illegible], it is not just that the proprietors of that land should lose the benefit of appeal to the courts of justice; nor is such prevention requisite to remedy the [illegible] evil. Summary decision on present possession by the Collector, and not [illegible] ultimate right, is required. Compulsive reference to punchayet in boundary cases should not, therefore, form a provision of the regulation. It is only when both parties may assent that such reference should be made. The summary settlement of boundary, which the peace of the country requires, must be made by the Collector himself, and stand as law, until one party set it aside by regular suit or voluntary arbitration.

21. In explanation of this part of the subject, I beg leave to quote the one hundred and seventh and one hundred and eighth paragraphs of Mr. Ravenshaw's report, under date 4th October 181[illegible], the document on which this useful intervention of the Collector was first proposed.

"The mischief done, and the loss of revenue in consequence, is considerable. Some Ryots (as they always will) quarrel about the right of occupancy and cultivation of a spot of ground; if one attempt to plough it, another drives him away. Others dispute about their right to, or their share of water; one party directs it one day, the next another party stops it, and takes it themselves. These, and many other similar disputes, generally end in the land dependent on them not being sown at all; or if sown, in the crop being dried up for want of water.

"If the disputants go to the Tehsildar, he can only persuade them to make it up and abide by custom, which they seldom or never will. They then come to me. I can only direct the Tehsildar to repeat his endeavours; but I have hardly ever known them succeed. If they are referred to the court, the answer is, 'I cannot afford it, my cause will not come on till the season is over.' They wait quietly, therefore, till the next season, each content with preventing the other from making use of the land, and then the same scene is acted over again."

The foregoing will sufficiently prove that the process of punchayet will not supply the remedy which the case requires, although all must admit that the actual possession being determined *pro tempore* by the Collector, punchayet may advantageously dispose of the right. Yet here it must be evident, that the punchayet is the substitute for the law process, not the remedy required for the prevention of affray. The Regulation proposed by the Commission makes no provision for disputes regarding occupancy between Ryot and Ryot, but seems specifically confined to disputes between Zemindars or renters and their Ryots; neither does it provide for the interposition of the Collector to put one party in possession; and without provision for the exercise of such direct authority by the Collectors, the object of the Honourable Court is imperfectly attained.

22. The direct interposition of the Collector's authority being in part provided for in Section 51 of the Police Regulation, further provision may perhaps

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haps be considered unnecessary. To this I must remark, that Section 51, above quoted, does not meet the case, and seems to me to confound civil and criminal jurisdiction without necessity. The first part of it, for the prevention of riotous assemblies, belongs certainly to police, but in the latter part a civil right is involved; it comes, therefore, with much more propriety as a provision in the transfer of civil judicial powers to Collectors, than under the head of police, the revision of the case coming before the courts of civil jurisdiction, and not in the magisterial department.

23. Disputes concerning irrigation are susceptible of the same course of reasoning with those regarding boundaries. Land is of little use without water, disputes regarding it are therefore alike fruitful of contentions, affrays, and breaches of the peace: but I apprehend that, as immediate occupation of land is the object contended for in boundary cases, so is the immediate use to the object of affray in respect to water.

24. It is not the abstract right to a given share of water from a certain tank that produces the affray, but the actual use of the running stream. Equally summary and prompt must be the intervention of the authority of the Collector: it will declare the right, assign the immediate use on summary investigation, and cause the decision to be respected until set aside by regular suit, a decision of a punchayet. In water the same rights may be involved as in boundary. Punchayets may, in some cases, be with much advantage employed, and may in others be altogether inexpedient; the same discretion and latitude should therefore be allowed to the Collector.

25. As to the term "occupancy between Zemindar or renter and Ryot," as used in the Regulation lately passed, it seems completely embraced in Regulation XXX. I do not understand the object of providing for it again in the new Regulation, but as no reference is there made to Regulation XXX. the two cannot, in my opinion, stand on the code without danger of embarrassment, and confuses in judicial process. *Sic orig.*

26. The following abstract will shew, at one view, what I conceive to be the best mode of carrying into execution the orders of the Honourable Court for the transfer of judicial powers to Collectors in certain revenue cases, and I can see no reason whatever against its immediate adoption.

1st. To transfer to Collectors the primary cognizance of the provisions of the pottah Regulation XXX. of 1802, with authority to enforce, by summary process, all penalties, costs, and damages, subject always to revision by the zillah courts, by regular suits, if parties dissatisfied with the Collector's decision choose to go there, adding such provisions as may be necessary to render the Regulation applicable to rented districts, also authorizing Collectors to refer to punchayets disputes and differences regarding rates of assessment, when both parties assent to that mode of adjustment.

2d. To transfer to Collectors the primary cognizance of the provisions of the distraint Regulation (XXVIII. of 1802), with authority to enforce, by summary process, all penalties, costs, and damages, arising out of a breach of that Regulation; subject always to revision by regular suit before the zillah court, if any party be dissatisfied with the Collector's decision, and choose to go there for redress. To declare the same rules applicable to rented districts; to authorize Collectors to submit to punchayets all disputes and differences relative to arrears between Zemindars, renters, and their Ryots, where both parties assent to that mode of adjustment.

3d. To transfer to Collectors the primary cognizance of the provisions of the boundary Regulation (XXXII. of 1802), with authority to enforce by summary process all penalties arising out of breach of that Regulation. To place ... of the parties in possession of disputed lands or crops, or to assume possession on the part of Government from both, when the case may require it, subject always to revision by regular suit before the zillah court, if parties dissatisfied choose to go there. To authorize Collectors to refer to punchayets all disputes relative to boundaries or occupancy of lands between Ryot and Ryot, when both litigant parties assent to that mode of adjustment. To authorize Collectors to proceed on the principles here described, in all disputes

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putes concerning water: to allot the use of it, in the first inst[an]ce, to the party that may, on summary investigation, appear to have the [ri]ght, leaving the abstract question of right to be decided by legal process o[r b]y punchayet, if both parties assent to that mode of settlement.

27. If, however, the immediate enactment of a regulat[ion] should be considered premature, the course directed by the Honourable [Co]urt, in paragraph 80 of their letter to Bengal, might here be pursued w[ith] advantage. The sentiments of the Judges and Collectors, as wel[l as] the [d]etailed ideas of the Sudder Adawlut, might be collected on the su[bject], to which may be added those of the Board of Revenue and Special Com[mis]sion.

28. All the foregoing remarks apply, it w[ill b]e seen, to the districts either permanently settled or rented for years. Bu[t wh]ile on the subject of revenue enactments, it will not, I trust, be consid[ered] out of the way to make a few observations on the state of the judicial c[ode] as relating to unsettled and unrented districts. Most of the revenue la[ws] were framed in the year 1802, and taken almost literally from the Bengal code. The permanent zemindarry settlement was at that period considered to be the established system for the future revenue management of the British territories in India. All legal provisions were framed therefore in reference to that system. It seems, indeed, not to have been at first intended, that the operations of the courts of justice should commence in any district, the revenues of which were not permanently settled; and this principle was observed until the year 1806, when Regulation II. was promulgated. By that Regulation all judicial powers, previously exercised by Collectors of unsettled districts, were withdrawn, engagements made by Collectors with Zemindars, landholders, farmers, or individual Ryots, were required to be written, and subject to the Regulation of 1802. The provisions of Regulations XXVII. and XXVIII. of 1802 were expressly declared applicable to unsettled districts, then first placed under the jurisdiction of regular courts. With the reservation of the control over Curnums in the hands of the Collector, Regulation II. of 1806 prescribed for unsettled districts the same rules as those enacted for districts permanently settled.

29. Although the introduction of the permanent settlement was, at that period considered premature, it seems nevertheless to have been held in view as the ultimate object of all intermediate revenue arrangements; and under that impression, it may not perhaps have appeared necessary to alter the law, in order to meet contingencies presumed to be of a temporary nature. The incompatibility of ryotwar arrangement with the forms required by the existing code, has often been dwelt upon by experienced revenue authorities; and now that the idea of a permanent assessment and immutable demand upon the landed property of the country is completely abandoned, and the ryotwar system of management is expressly directed to take its place, there cannot longer exist any good reason against adapting the law to the system, as the provisions of the legislature require.

30. It is unnecessary to repeat those provisions. I shall only observe, that while arrangements are conducted, by which the rights, persons, or property of the subject are affected, without being defined by Regulation, the objects in view by the judicial code must be completely lost; for it cannot, in such case, afford grounds to trace the causes of either the future decline or prosperity of these provinces. However forms may require alteration, a reference to paragraph 126 of the Honourable Court's letter of the 12th April 1815 will sufficiently show that they do not intend Ryots to be subjected to the arbitrary discretion of revenue servants: neither do they approve of restraint and compulsion, or contemplate a system inconsistent with the dictates of liberal policy or natural justice, and consequently incompatible with the [fun]damental principles of the judicial system.

31. I cannot, therefore, omit this opportunity of urging the expedienc[y of] having the rules necessary for the conduct of a ryotwar settlement compriz[ed] in a judicial Regulation. Useful suggestions would, no doubt, be received o[n] this subject from the first Commissioner, which with the propositions of the Board of Revenue would probably enable this Board to supply what cannot but be considered a flaw in the judicial code. The Board of Revenue sho[u]ld

also be called upon to transmit the Regulation for the decennial lease system, as premised, with their first reports on the rents.

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32. For the prevention of embezzlement of revenue and extortion by native servants, the existing laws are quite inefficient: they were framed with a view to a revenue paid into the Treasury by a small body of landholders, and not collected from many thousand Ryots by Tehsildars. The deficiency, in this respect, will however be supplied by the promulgation of a Regulation proposed by the Board of Revenue, copy of which was sent up to Government, under date 11th December 1815, and is now under consideration by the Sudder Adawlut.

12th February 1817.

SECRETARY *to* GOVERNMENT *to* COMMISSIONERS,

Dated the 2d April 1817.

To the Commission for the Revision of the Judicial System.

Letter to Judicial Commissioners, 2 April 1817.

GENTLEMEN:

The attention of the Right Honourable the Governor in Council having been drawn to the sentiments of the Honourable the Court of Directors, as expressed in paragraphs 107 and 108 of their letter to this Government, under date the 29th April 1814, and in their letter to the Bengal Government, dated the 9th November following, from the 69th to the 87th paragraph, and to the degree in which those sentiments have been acted upon, by means of the provisions of Regulation XII. A. D. 1816, I am directed to desire that you will take the subject fully into your consideration, and will report whether it would not, in your opinion, serve to promote the views of the Honourable Court, and prove a most salutary arrangement, to give primary jurisdiction to Collectors in all matters falling within the provisions of the pottah, the distraint, and the boundary Regulations of 1802. These Regulations might also be declared applicable under every form of revenue settlement. The Collectors might be required, at the instance of both parties, to refer any point for the verdict of a punchayet; and their jurisdiction might be made, only interlocutory, competent to settle every question of present possession, but subject to revision, and corrected, in such form as might be most convenient, by the superior jurisdiction of the zillah court. You will report how far an arrangement of this nature would, in your opinion, be likely, according to the Honourable Court's desire, to "enable the Zemindars, on the one hand, "by a prompt and summary process, to realize their dues from the cultivators, "and thereby fulfil their engagements with the State; and, on the other hand, "extend similar facilities for the protection of the cultivators from the exac- "tions of the Zemindars."

I have, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George, 2d April 1817.

JUDICIAL COMMISSIONERS *to* SECRETARY *to* GOVERNMENT,

Dated the 15*th July* 1817.

To the Chief Secretary to the Government, Fort St. George.

Letter from Judicial Commissioners, 15 July 1817.

SIR:

We have the honour to acknowledge the receipt of Mr. Secretary Hill's letter of the 2d of April last, desiring us "to report whether it would "not, in our opinion, serve to promote the views of the Honourable Court, "and

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" and prove a most salutary arrangement, to give primary jurisdiction to Col-
" lectors, in all matters falling within the provisions of the pottah, the distraint,
" and the boundary Regulations of 1802."

2. We have attentively considered the subject, and as we are of opinion that giving such jurisdiction to Collectors would be a measure highly beneficial to the country, we have made drafts of two Regulations, embracing all the points adverted to in the above letter, and providing, we think, for the accomplishment of the views of the Honourable Court of Directors, namely, "to enable " the Zemindars, on the one hand, by a prompt and summary process, to rea- " lize their dues from the cultivators, and thereby fulfil their engagements with " the State; and, on the other hand, extend similar facilities for the protection " of the cultivators from the exactions of the Zemindars."

3. We take the liberty of observing, that though Regulation XII. 1816, extends to only a few of the heads noticed in the above letter of Mr. Secretary Hill, it could not have been made more comprehensive, consistently with the eighteenth resolution of Government of the 1st March 1815, which limited the jurisdiction of the Collector to the settlement of boundary disputes on the verdict of a punchayet, or with the instructions contained in Mr. Secretary Hill's letter of the 25th of May 1816, directing us to frame Regulation XII. 1816, in conformity to the Honourable Court's orders of the 20th December 1815, which limited the authority of the Collector to the referring of disputes respecting the occupying, cultivating, and irrigating of land, between proprictors or renters and their Ryots, to be tried and determined by punchayets.

4. We may also observe, that the preparation of Regulations for the enforcement of the rules respecting pottahs and distraints, recommended in the Court's letter of the 29th April 1814, was not referred to the Commission, but to the Board of Revenue, by the seventeenth resolution of Government of the 1st of March 1815.

5. As the subject of pottahs is so much connected with that of distraints, we have thought that it would be most convenient to insert whatever relates to both in one Draft A, entitled, " A Regulation for vesting in Collectors authority " to take primary cognizance of suits arising under Regulations XXVIII. and " XXX. 1802, and to refer such suits, in certain cases, to punchayets for deci- " sion, and for modifying and extending the provisions of those Regulations," and to comprise what regards boundary disputes in a separate Draft B, entitled " a Regulation for vesting in Collectors authority to take primary cogni- " zance of suits arising under Regulation XXXII. 1802, and to refer such " suits, in certain cases, to punchayets for decision, and for modifying and " extending the provisions of that Regulation and of Regulation XII. 1816.

6. As it appears to us that, under the existing laws, the Zemindars possess all the means of realizing their dues from the cultivators required by the Honourable Court, we have endeavoured in the drafts to fulfil the other part of the Court's orders, of affording protection to the cultivators from the exactions of the Zemindars. We shall now proceed to take a short review of the drafts, and to make such remarks as seem to be necessary, where it is proposed either to modify or rescind the law.

7. In Section II. Draft A, we have made the provisions of the distraint and pottah Regulations applicable to all districts, under every form of revenue settlement.

8. In Section III. the cases specified in Sections XXXV. and XL. Regulation XXVIII. 1802, are exempted from the primary cognizance of the Collector, because the cases to which the first of the above sections refers are those of persons who have already been committed to the zillah jail as defaulters, and the cases to which the last refers are those of persons desirous of instituting suits in the zillah court against distrainers of their property, for injury sustained, and of persons vested with the power of distraint wishing to prosecute in the zillah court for the recovery of arrears, in preference to distraining personal property for that purpose.

9. The provisions of Section VI. by which no property attached for arrears of rent shall be sold, unless pottahs shall have been granted or tendered and

refused

refused, or until leave shall have been obtained from the Collector of the zillah, are conformable to the instructions of the Court of Directors, in paragraphs 105, 106, and 107, of their letter of the 29th April 1814.

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10. As the landholder or farmer might keep the property of the cultivator long under distraint to the injury of the cultivator, it was deemed necessary to prescribe a penalty for the neglect of giving notice to the Collector within the period of thirty days, by Section 5.

11. In Section 10 we have extended to the heads and Curnums of villages the provisions of Section 7, Regulation XXX. 1802, by which proprietors or farmers of land are liable to a penalty of three times the amount of all unauthorized exactions made by them from the Ryots, because as in unsettled districts the heads and Curnums of villages have the same facility as Zemindars in settled districts, of levying such exactions from the Ryots, it is expedient, both for the security of the revenue and the protection of the cultivator, that they should be subject to the same penalties as the Zemindars. We have also provided, that from the penalties levied the amount of the exaction shall be returned to the Ryot, with such further proportion of them as may appear to be a reasonable compensation for the injury sustained; so that, by this modification of the existing law, the Ryot will obtain immediate redress.

12. The provisions of the pottah Regulation having been extended to districts under every form of revenue settlement, it became necessary to prescribe certain periods, within which the pottahs and muchulkahs should be exchanged, in districts settled annually or for a term of years, which is done by Section 11.

13. In Section 12 we have rescinded Section 9 of Regulation XXX. 1802; and in Section 13, we have proposed the adoption of a different mode of settling disputes respecting rates of assessment, because a reference to one year, namely, that preceding the permanent settlement, was not always a fair standard to determine the rate.

We consider an average of years as a better standard for the adjustment of disputed rates, and have therefore extended it to districts under every kind of settlement.

14. The power given by Section 10, Regulation XXX. 1802, to proprietors and farmers of land, of ejecting under-farmers or Ryots refusing to exchange mutual engagements, defining the terms on which they hold their land, has led to much oppression, the means of redress allowed the cultivators by suit being attended with great delays. The modification proposed in Section 14 prescribes that no ejectment shall be made, except on the previous leave of the Collector; and as the ground for the ejectment can only be the rate of assessment, the terms insisted on by one party being rejected by the other, the Collector is authorized to fix the rates in such disputes by the standard adverted to in Section 13.

15. The Court of Directors having required that "no demand of a Zemindar, &c. for arrears of rent should be receivable in any court but on a "pottah" (see paragraph 107), we conceive that the provisions of Section 17, which prescribe that such suits shall be dismissed with costs when not founded on a pottah, unless it be proved that a pottah had been tendered and refused, will meet the views of the Honourable Court.

16. In Draft B we have, by Section 3, given the Collector primary cognizance of all cases coming within the provisions of Regulation XXXII. 1802, and XII. 1816.

17. By Section 5, when suits occur respecting disputed lands and crops, the Collector is authorized to put one party in immediate possession until a decision is given. He had this authority under the police Regulation, in cases only when violence was used. Under the proposed Regulation, he has it in all cases; and his power of removing the impediments to cultivation, arising from such disputes, is thereby proportionably increased.

18. This remark is equally applicable to Section 6, by which the Collector is authorized to take cognizance of all disputes between Ryot and Ryot, respecting the occupying, cultivating, and irrigating of land.

19. When

Letter from Judicial Commissioners, 15 July 1817.

19. When the drafts herewith submitted shall have been passed by Government, the Collector will have jurisdiction, in almost every case of public revenue as well as of rent, between individuals. He will thereby have the means of not only securing the revenue from loss more readily than at present, but of promoting the ease of the inhabitants by the speedy adjustment of their suits, while, at the same time, an appeal in every case lying open to the Zillah court, will guard them against every act of oppression.

We have, &c.

THOMAS MUNRO,
First Commissioner.

GEORGE STRATTON,
Second Commissioner.

Madras, 15th July 1817.

SECRETARY *to* GOVERNMENT *to* REGISTER *of* SUDDER ADAWLUT,

Dated 9th December 1817.

To the Register to the Court of Sudder Adawlut.

Letter to Register of Sudder Adawlut, 9 Dec. 1817.

SIR:

I am directed by the Right Honourable the Governor in Council to desire, that you will lay before the Sudder Adawlut the accompanying copy of a letter to the Commission for the revision of the Judicial system, with a copy of their reply, and with copies of the two drafts of Regulations herein referred to. It does not appear that the Commission have transmitted copies of those drafts to the Sudder Adawlut, but it is necessary that they should undergo revision by the Court: with that view, the extracts from letters from the Honourable the Court of Directors, alluded to in the instructions to the Commission, are herewith furnished, for the Court's information and guidance. It is desirable that the subject should engage the attention of the Sudder Adawlut as soon as may be practicable.

I have, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George, 9th December 1817.

JUDICIAL LETTER *from* MADRAS,

Dated the 19th March 1818.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

HONOURABLE SIRS:

Judicial Letter from Madras, 19 March 1818.

Par. 1. Our last letter to your Honourable Court, in this department, was dated the 17th of February 1817.

2. Your Honourable Court will have learned from that dispatch, that more than ordinary difficulty had been experienced in the province of Tanjore, in bringing into practical operation the Regulations which had been passed, on the recommendation of the Commission for the revision of the Judicial system, and that, in consequence of complaints made to us by the Commission against Mr. Hepburn, the Collector, that gentleman was called down to the Presidency in the early part of last year, and Mr. St. John Thackeray, the head Assistant to the Collector, was intrusted with the temporary charge of the offices of Collector and Magistrate of the district.

3. It will also be known to your Honourable Court, that, in the beginning of last year, Colonel Thomas Munro proceeded from the Presidency on a tour through

Judicial Letter from Madras, 19 March 1818.

certain of the districts subject to this Government, for purposes connected with his duties as First Commissioner, and with instructions* from us to make such inquiries as he might deem useful, into the revenue as well as the judicial affairs of the districts through which he should pass.

4. We beg leave to request the attention of your Honourable Court to a report received from Colonel Munro,† soon after his departure from Madras, on the subject of his proceedings while in Tanjore, and of the progress which had been made in the appointment of heads of villages in that province.

5. We beg leave likewise to bring to your notice a letter under date the 10th July 1817, received from Mr. St. John Thackeray, the acting Collector and Magistrate,‡ in reply to one which we had caused to be written to him, desiring him to report in what degree the arrangements connected with the introduction of the new system had been completed in the district since he had taken charge of it; as well as a report on Mr. Thackeray's letter received from the Commission, to whom we had referred it for their consideration; and also the instructions which we issued in consequence. Your Honourable Court will observe, that we instructed the Commission to frame the draft of a supplementary Regulation, which they considered necessary to render the village system more complete in Tanjore, Malabar, and some other districts; and that we instructed the acting Collector and Magistrate to carry into effect, in Tanjore, certain suggestions offered by the Commission, particularly that of relieving the heads of villages from the police tax and from any other house tax to which they were subject, in order to induce them to undertake the more willingly the discharge of the duties expected from them under the new arrangements.

6. Your Honourable Court will have already learned, from our Revenue dispatch of the 31st of January last,§ that Mr. Hepburn had been permitted to return to Tanjore, and resume charge of his offices of Collector and Magistrate; and you will also have been made acquainted with the proceedings that took place, during his detention at the Presidency, with reference to the complaints made against him by the Commission. Since his return to his district a letter has been received from Mr. Hepburn,‖ in which he expresses regret at the censures which were passed upon his conduct, and at the same time offers observations in his defence. The consideration of this letter has hitherto been deferred; but our President has intimated his intention of again calling the attention of the Board to that letter, and to the complaints of the Commissioners for the revision of the Judicial system against Mr. Hepburn, should future contingencies render it advisable to renew so unpleasant a discussion.

7. With reference to the 20th paragraph of our letter dated the 17th February 1817, we beg leave to point out to the notice of your Honourable Court a letter from the Commission,¶ in which they explain the grounds of their opinion, that, notwithstanding what had been stated by the criminal Judge of Chingleput, there was no necessity for any new enactment, with respect to cases of the escape of prisoners, and to misdemeanors committed in zillah jails.

8. Another letter from the Judge of Cuddapah, containing objections to several of the provisions in the Regulations passed on the recommendation of the Commission, had also been referred to that authority, and their report upon it was laid before us at our Consultation of the 15th April. With regard to the nature of the objections stated by Mr. Newnham, and the answers given to them by the Commission, we deem it sufficient to note, for your eventual reference, the papers in which they are contained.** As the Commission were of opinion that those objections would not be practically experienced, we did not consider it necessary, for the present at least, to adopt any measures with the view of obviating them. It being our wish that the defects and omissions of the new system (for such, we conceive, there must be in any new system of an equal extent) should be well ascertained before any remedy was applied to them, we acquiesced in the explanations which the Commission had afforded: but we saw reason, at the same time, to express to them our regret, that the style

* Consultations, 10th January 1817. † Ditto, 24th February 1817. ‡ Ditto, 19th July.

§ Paragraph 155. ‖ Consultations, 2d December. ¶ Ditto, 13th March 1817.

** Consultations, 30th December 1816, and 15th April 1817.

Judicial Letter from Madras, 19 March 1818.

style of their animadversions on Mr. Newnham's letter was, in some re liable to objection, as not tending to forward the temperate and unprejudiced discussion of questions of a public nature.

9. At our consultation of the 2d April, Mr. Fullerton recorded a Minute, which we beg leave to bring to your Honourable Court's notice, on the subject of transferring judicial authority to Collectors in certain revenue cases. Our attention was thereby drawn to the sentiments of your Honourable Court, as expressed in paragraphs 107 and 108 of your letter to this Government, under date the 29th of April 1814, and in your letter to the Bengal Government, dated the 9th of November following, from the sixty-ninth to the eighty-seventh paragraph, and to the degree in which those sentiments had been acted upon, by means of the provisions of Regulation XII. of 1816; and we instructed the Commission to take the subject fully into their consideration, and to report whether it would not, in their opinion, serve to promote the views of your Honourable Court, and prove a most salutary arrangement, if primary jurisdiction were given to Collectors in all matters falling within the provisions of the pottah, the distraint, and the boundary Regulations of 1802. These Regulations, we remarked, might also be declared applicable under every form of revenue settlement. The Collectors might be required, at the instance of both parties, to refer any point for the verdict of a punchayet; and their jurisdiction might be made only interlocutory, competent to settle every question of present possession, but subject to be revised and corrected, in such form as might be most convenient, by the superior jurisdiction of the zillah court.

10. The Commission were further instructed to report, how far an arrangement of this nature would, in their opinion, be likely, according to your Honourable Court's desire, to "enable the Zemindars, on the one hand, by a "prompt and summary process, to realize their dues from the cultivators, and "thereby fulfil their engagements with the State, and, on the other hand, ex-"tend similar facilities to the protection of the cultivators from the exactions "of the Zemindars."

11. In consequence of these instructions, the Commission prepared and submitted to us the drafts of two Regulations;* one "for vesting in Collectors "authority to take primary cognizance of suits arising under Regulations "XXVIII. and XXX. of 1802, and to refer such suits, in certain cases, to "punchayets for decision, and for modifying and extending the provisions of "those Regulations; the other "for vesting in Collectors authority to take "primary cognizance of suits arising under Regulation XXXII. 1802, and to "refer such suits, in certain cases, to punchayets for decision, and for modi-"fying and extending the provisions of that Regulation, and of Regulation "XII. 1816."

12. The Commission at the same time stated, that having attentively considered the subject, they were of opinion that giving the proposed jurisdiction to Collectors would be a measure highly beneficial to the country; and they also expressed their opinion, that the Regulations which they had drafted embraced all the points adverted to in the reference that had been made to them, and provided for the accomplishment of the views of your Honourable Court, as stated in a passage above cited.

13. The letter from the Commission, in which these observations were offered, together with the drafts of Regulations that had been prepared by them, were taken into consideration at our Consultation of the 9th December; and as it did not appear that copies of those drafts had been transmitted by the Commission to the Sudder Adawlut, whose revision it was necessary that they should undergo, we have furnished that Court with copies of them, as well as with a copy of the letter received along with them from the Commission, and have also communicated to the Court our instructions to the Commission, with an intimation of our desire that the subject should engage the Court's attention as soon as practicable.

14. We beg leave to point out to the notice of your Honourable Court a letter from Colonel Munro, dated the 26th of May 1817,† in which he reports the result

* Consultations, 9th December.

† Ditto, 24th June 1817.

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of his personal inquiries in the districts of Trichinopoly, Madura, Dindigul, and Coimbatore, with regard to the village servants, and particularly the heads of villages, and also to the acceptableness of the new system of police to the people.*

15. At our Consultation of the 17th March 1817, we authorized the Judge of the zillah of South Malabar, on the recommendation of the Commission for the revision of the Judicial system, to employ a district Moonsiff at Cochin, on twenty pagodas a month, with two Peons on one pagoda each.

16. We have noted in the margin† a correspondence that has taken place with the Commission and the Sudder Adawlut, relative to the establishment proposed by the former authority for the Magistrates of several zillahs, as well as to the establishments of the zillah courts; but we do not think it necessary to detain your Honourable Court with any remarks upon this subject at present, as the whole can be brought distinctly under your review at once, when the Commission have submitted to us their promised statement, exhibiting in one view all the reductions and augmentations of expense with which the new arrangements have been attended.‡

17. It having been represented to us,§ that it would be necessary to increase the establishment of English writers in the several zillah courts, if those courts were required to furnish the Sudder Adawlut with detailed reports of the causes decided or depending before the native judicatories in their respective jurisdictions, we intimated to the Sudder Adawlut our opinion, that it would be sufficient if the zillah Judges furnished numerical statements of the causes filed, decreed, or dismissed, before the native judicatories. At the same time, however, we caused it to be stated to the Sudder Adawlut, that it would be proper that they should furnish the zillah Judges with such instructions as they might deem necessary, with the view of preparing them for the exercise of a vigilant and active superintendence over those judicatories, and should require them specially to report every case in which any of these judicatories might deviate from the rules laid down for their guidance.

18. Your Honourable Court's attention will have been already drawn, by our Revenue dispatch of the 5th January last, to a report of Colonel Munro, dated the 4th July 1817, respecting the province of Malabar. In consequence of a letter from the Commission for the revision of the Judicial system, which was laid before us at our Consultation of the 14th October last, we authorized the Board of Revenue to entertain the establishment of native servants in Malabar recommended by Colonel Munro in that report, instructing them, at the same time, to report specially the arrangements made under this authority, and the expense attending them. On the recommendation of the Commission, expressed in the same letter, we also authorized the Judge of South Malabar to employ an additional district Moonsiff in that zillah.

19. We transmit, for the information of your Honourable Court,‖ a copy of a letter from the Commission for the revision of the Judicial system, under date the 20th December last, accompanied by two general abstract statements, shewing the number of original causes and appeals decided by the several zillah courts and by the different descriptions of native tribunals in the several zillahs, between the 1st of January and 30th of September 1816, and between the 1st of January and 30th September 1817, together with a statement of the number of appeal and original suits pending in the zillah courts on the 1st of October 1817.

20. We also forward, for the information of your Honourable Court, copies of the following documents:—

[6 K] 1st. A

* *Generally acceptable.* Consultations, 1817, folio 1512.

† Consultations, 30th September and 4th November 1817.

‡ Committee since appointed to submit a statement of the former and present police establishments. See Consultations, 2d December 1818.

§ Consultations, 14th October and 18th November, 1817.

‖ Ditto, 17th March 1818.

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1st. A letter from the acting Register to the court of Sudder A... under date the 27th of January last, accompanied by an extract fr... court's proceedings, and by abstract statements of the proceedings ... the zillah and provincial courts, for the first six months of last year.

2d. A letter from the acting Register to the Sudder Adawlut, under date the 29th of January last, accompanied by an abstract register of decrees passed by that court, from the 1st of July to the 31st of December 1817.

3d. A letter from the acting Register to the Sudder Adawlut, under date the 19th of February last, accompanied by an extract from that court's proceedings, and a compartive statement of the number of causes decided by the zillah courts and native tribunals, in the years 1815, 1816, and 1817, respectively.

4th. A letter from the acting Register to the Sudder Adawlut, under date the 20th of February 1818, accompanied by an extract from that court's proceedings, and by reports of the number of causes depending in the several provincial and zillah courts, and before the several descriptions of native tribunals, on the 1st of January 1818, compared with the number depending on the 1st of July 1817.

5th. A letter from the acting Register to the Sudder Adawlut, under date the 20th of February 1818, accompanied by an extract from the proceedings of that court, and by abstract statements, shewing the number of causes decided by the several provincial and zillah courts, and the several descriptions of native tribunals, between the 1st of July and 31st of December 1816, and between the 1st of July and 31st of December 1817.

6th. A letter from the deputy Register to the court of Foujdarry Adawlut, under date the 29th January last, accompanied by an abstract statement of criminal trials, in which sentences were passed by that court, in the year 1817.

21. It appears that, in the year 1815, before the introduction of the new arrangements, the number of causes decided by the zillah Judges, assistant Judges, and Registers, was 7,928, and the number of causes decided by the native judicatories which then prevailed, 30,687; and that in the year 1817, under the present system, the number of causes decided by the zillah Judges, assistant Judges, and Registers, was 4,749, and the number of causes decided by the native judicatories 66,302. The total number of causes, therefore, decided by the European and native judicatories of the zillahs, was in the former year 38,615, and in the latter 71,051, which gives a balance of 32,436 in favour of the latter.

22. We beg leave to point to your Honourable Court the following documents, recorded in the minutes of our proceedings, under date the 7th of May 1817.

1st. A letter from the Register to the Sudder Adawlut, under date the 24th March 1817, accompanied by an extract from the proceedings of that court; by statements showing the number of original causes and appeals decided by the several provincial and zillah courts, and by the native Commissioners of the several zillahs, in 1816, with the value of the property adjudged; by abstract reports, shewing the number of causes depending in the provincial and zillah courts on the 1st of January 1817, with the estimated amount of the property in litigation; and by a statement shewing the amount of fees on the institution of suits and appeals collected and carried to the account of Government, in the year 1816.

2d. A letter from the Register to the Sudder Adawlut, under the same date, accompanied by an abstract register of decrees passed by that court during the year 1816.

3d. A letter of the same date from the deputy Register to the Foujdarry Adawlut, with general abstract statements of criminal trials, in which sentences were passed by that court, during the years 1812, 1813, 1814, 1815, and 1816.

23. On

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23. On the 19th August last, we passed a resolution, that the functions of the Commission for the revision of the Judicial system should cease and determine, from the 3d of January 1818, being three years from the date of its complete formation, the period assigned for its duration by your Honourable Court. *We at the same time caused this resolution to be communicated to the Commission, with instructions that they should lay before us a final report, distinctly referring to all their past proceedings, and explaining to what extent the new Regulations were in practical operation, what particular local measures might in certain cases remain to be adopted for the purpose of giving them practical operation, and what prospective course of proceeding ought, in their judgment, to be pursued with regard to them.

24. When the above resolution was passed, it was supposed that there would be sufficient time for the preparation of such a report before the day fixed for the close of the Commission. It was presumed, that the political arrangements in the southern Mahratta country, which had called away the First Commissioner, would have terminated at an early period, so as to have allowed him time and leisure to bring the affairs of the Commission to a close before the end of the year. When, however, the period fixed for the termination of the Commission had arrived, * it was found that the important and unlooked-for events which had intervened, affecting the objects of Colonel Munro's mission into the Mahratta country, had of necessity prevented his return within the time expected, and had also required his full and undivided attention, in consequence of which the preparation of the report, necessary to bring the affairs of the Commission to a satisfactory termination, had been unavoidably delayed. The further continuance of the Commission had also become desirable, in consequence of a letter lately received from the Vice-President in Council at Fort William, † requiring information as to the effect and operation of the system now introduced under this Presidency; an inquiry which, it appeared to us, could best be answered by those employed in directing the introduction of that system and watching its progress.

25. Under these circumstances, we are resolved that the appointment of the junior Commissioner should be continued until the end of March, for the purpose of his drawing up and closing the proceedings in question, continuing to act as junior Judge of the Sudder Adawlut, and communicating, when necessary, with Colonel Munro.

26. The allowances of Mr. Stratton continue on the same footing as before, up to the period above stated; but, with regard to those of Colonel Munro, as he has been for some time past employed entirely in duties of a military and political nature, under the command of the Commander-in-chiefs of the army of the Dekan, and the direction and control of the Resident at Poonah, by the special order of the most noble the Governor General, it has seemed to us proper that they should cease to be regulated with reference to his appointment as First Commissioner for the revision of the Judicial system, and should be left to the determination of the most noble the Governor General, with reference to the military duties of Brigadier-General, and the political functions of Commissioner for settling cessions or conquests in the southern Mahratta country.

27. At our Consultation of the 3d February 1817, there was laid before us a communication from the Sudder Adawlut, accompanied by a draft of a Regulation which they proposed to be enacted, with the view of removing doubts concerning the communication permitted between the criminal Judge and the Magistrate, under the provisions of Regulations IX. and X. of 1816, and of obviating the evils which might result, in cases of emergency, from the want of authority in the criminal Judge to command the services of the police, in the absence of the Magistrate and his assistant. Having duly considered the provisions of the proposed Regulation, and being satisfied of their propriety, we passed it, with some modifications of the terms in which its enactment had been expressed. It is numbered the third Regulation of 1817.

28. In the proceedings of the Sudder Adawlut, relative to the draft of the above Regulation, submitted to us by them, it was stated, with reference to a com-

* Consultations, 7th January 1818. † Ditto, 23d and 30th December 1817.

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a communication received by them from one of the zillah Courts, that in cases wherein European British subjects are charged with being offenders, the jurisdiction belonged exclusively to Justices of the peace. As, however, a very extensive jurisdiction, in such cases, is granted by Section 105 of the 53d George III. cap. 155, to the Magistrate of the zillah, we caused the error in the opinion of the Sudder Adawlut to be pointed out to them. Who should be taken to be the Magistrate of the zillah, for the exercise of that jurisdiction? was a question which had been for some time under reference to our law officers; but whether exclusively the criminal Judge or the Magistrate, or whether indifferently either the one or the other, the jurisdiction to be exercised by him was, both in its nature and extent, very different from that of a Justice of the peace.

29. The reference to the law officers, which is above alluded to, was contained in a case which had been transmitted to the Company's Solicitor, for the opinion of the Advocate-General, on the 9th December 1816. The points on which the opinion of the Advocate-General was requested, with reference to the provisions of the statute and to those of the Regulations of this Government, at present in force, were the following.

1st. Does the Collector, as Magistrate of the zillah, possess power and authority to take cognizance of the complaint of a native of India against a British subject, and to afford redress, under the provisions of clause 105, 53d George III. cap. 155, and will it be lawful for him to refuse to exercise such power and authority?

2d. The same question with respect to the criminal Judge, instead of the Collector, as Magistrate.

3d. Is it lawful for the Collector, as Magistrate of the zillah, to take cognizance of debts not exceeding fifty rupees, alleged to be due from any British subject to any native of India, under the provisions of clause 6, 53d Geo. III. cap. 155; and is it lawful for him to refuse to take cognizance of such debts?

4th. The same question with respect to the Judge, or criminal Judge of the zillah, instead of the Collector as Magistrate.

5th. Is it competent to the Governor in Council to determine what officer shall be considered as Magistrate of the zillah, for the purposes specified in clauses 5 and 6, 53d Geo. III. cap. 155?

30. The opinion of the Advocate General upon these points having been received, with a letter from the Honourable Company's Solicitor, dated the 7th July 1817, was laid before us at our Consultation of the 26th of the same month. The Advocate General stated, that the only question in the case referred to him was, to whom the denomination in the statute, of "Magistrate of "the zillah or district," was applicable. That, at the time of passing the act, it appeared that the Judge of the zillah had the exclusive jurisdiction in regard to civil controversies, and that the Magistrate of a zillah, generally speaking, and as constradistinguished from the Judge of the zillah, had no jurisdiction in case of civil controversies. That, by Regulation IX. of 1816, the office of Magistrate had been transferred from the Judge to the Collector; but the jurisdiction in civil controversies never having belonged to the office of Magistrate, under that general description, was not, it seemed, by this Regulation transferred from the Judge of the zillah to the Collector, and therefore the Judge of the zillah, under his new designation of criminal Judge, being a Magistrate, retained, the Advocate General apprehended, his jurisdiction in civil controversies, and consequently was exclusively authorized to act, under Section 106 of the Statute. That, by Regulation X. of 1816, Section 8, the Judge of the zillah, under the description of criminal Judge, had no original jurisdiction in criminal matters, unless where British subjects are parties; but, in that case, such original jurisdiction was reserved to him, and such criminal Judge was, the Advocate General thought, the only species of Magistrate who could exercise that jurisdiction, under the 105th section of the Statute. Sir Samuel Toller added, that the authority in question of the Governor in Council was not, he thought, affected by the statute; and that, by the term "Magistrate "of

"of the zillah or district," it seemed to him, was meant such Magistrate as was lawfully constituted for the purposes of the statute, at the time of passing it, or might be so constituted at any future time, though under a new designation."

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31. We caused the case which had been referred to the law officers, together with the opinion given thereon by the Advocate General, to be circulated to the several local authorities, for their information and guidance.

32. In the one hundred and fourteenth paragraph of our letter in the public department, dated the 26th September 1816, we informed your Honourable Court, that we had caused a reference to be made to the Sudder Adawlut, on the subject of passing a new Regulation for the purpose of modifying, with reference to the establishment of the law classes at the College, the rules which prevailed with respect to the appointment of law officers and vakeels in the courts of justice. On the 17th of February 1817 we took into consideration the reply of the Sudder Adawlut, together with a draft of a Regulation which was received with it, and also a modified draft submitted to us by our Secretary. The latter draft having received our approbation, and it having been ascertained by a reference to Bengal, that the Governor General in Council was not aware of any objections to its provisions, the Regulation was passed in the terms of it, at our Consultation of the 19th of May. This Regulation is numbered Regulation V. of 1817, and is entitled "A Regulation for providing a "succession of Hindoos and Mahomedans, duly qualified to be employed as "law officers and Vakeels in the courts of Adawlut, under the Presidency of "Fort St. George."

33. On our proceedings of the 30th September 1817, will be found recorded a Regulation (VI. of 1817) which we passed on that day, entitled "A Regulation for declaring the provisions of Section 9, Regulation XIII. of 1816, not "applicable to deeds and instruments executed previously to the 12th of July "1817, and for reviving the operation of Regulation VIII. of 1808, and Regu-"lation II. of 1813, with respect to deeds and instruments executed between "the 1st of January 1809 and the 12th of July 1817."

34. It had been provided, by Section 9, Regulation XIII. of 1816, that no deed, not executed on stamped paper or cadjan, should be admitted in evidence before any court of judicature; but that any deed might, within sixty days after being executed, be lodged with the Collector to be stamped, on payment of ten times the stamp duty. The Sudder Adawlut considered both of these provisions as not merely prospective, and accordingly applied them to all deeds executed since stamp Regulations first were in force under this Presidency. Observing, however, that the period allowed for legalizing deeds executed on paper not stamped would be of no avail to the holders of such deeds of that description, as might have been executed more than sixty days before Regulation XIII. of 1816 was to take effect, they proposed to allow an extended period of one year for that purpose; and they submitted, for our sanction, the draft of a Regulation, of which this was the object.

35. But it appeared to us, that whatever doubt might hang over the terms in which Section 9, Regulation XIII. of 1816, was expressed, it was clear that its provisions could not equitably be applied to deeds executed on the faith of the provisions of former Regulations; and further, that the same construction, by which this section was applied to deeds executed since the former stamp Regulations took effect, would also make it applicable to deeds executed before that period.

36. The measure of justice proposed by the Sudder Adawlut to be administered in the case, as understood by them, appeared to us to be in several essential respects incomplete. First, persons who, either intentionally or through inadvertence, were, under the former Regulations, exposed to the risk of having to pay ten times the proper stamp duty on the deeds executed in their favour, in case those deeds should be contested in a court of justice, were proposed to be absolutely subjected to that heavy charge. In the next place, deeds lodged with the Collector, and by him transmitted to the Presidency to be stamped, as was proposed to be done, might be lost through negligence, or might fraudulently be altered or abstracted, or might be divulged, to the injury

Judicial Letter from Madras, 19 March 1818.

jury or inconvenience of the parties, against none of which accidents was there offered any security or redress. Lastly, deeds which, in consideration either of the expense or of the risk to be incurred by leaving them with the Collector, might not be stamped, were to remain for ever null and void, contrary to the provisions of the Regulations in force when they were executed.

37. Under all these considerations, we were of opinion that the provisions of Section 9, Regulation XIII. of 1816, ought to be applied to such deeds only as might be executed after it came into operation. But the view of the subject which was taken by the Sudder Adawlut made it necessary to pass a Regulation declaratory to that effect, and at the same time restoring the law to its former state, with respect to deeds previously executed. Your Honourable Court will recollect, that the 12th of July 1817 was the date to which the commencement of the operation of Regulation XIII. of 1816 was postponed by a subsequent Regulation, as stated in the fourteenth paragraph of our dispatch, dated the 17th February 1817.

38. With reference to the hundred and fifty-seventh paragraph of our dispatch in the Revenue department, dated the 5th of January 1816, we beg leave to inform your Honourable Court, that the proposed "Regulation for the due "appropriation of the rents and produce of lands granted for the support of "mosques, Hindoo temples and colleges, or other public purposes, for the "maintenance and repair of bridges, choultries, or chuttrums, and other public "buildings; and for the custody and disposal of escheats," was, after reference to the Supreme Government, passed on the 30th of September last, in the terms of a draft recorded on our proceedings of the 19th of June. It is numbered in our code, Regulation VII. of 1817.

39. On our proceedings of the 9th of September 1817 is recorded a Regulation which, after a reference to Fort William, by which it was ascertained that the Bengal Government were aware of no objection to its provisions, was passed on the 9th of December last. The object of this Regulation (Regulation VIII. of 1817) is similar to that of Regulation XV. of 1816 in the Bengal Code, and it is entitled "A Regulation for expediting the trial of civil suits, in which the "native officers and soldiers attached to regular corps on the military establish-"ment of the presidency of Fort St. George may be parties, and for giving "them certain facilities in the maintenance and recovery of their rights, "claims, and interests." With the view of making its provisions generally known to those in whose favour they have been enacted, it has been published in general orders to the army.

40. By this conveyance we formed an index to our proceedings, from the 1st January to the 31st December 1817.

We have the honour to be, with the greatest respect, Honourable Sirs,

Your faithful, humble servants,

(Signed) H. ELLIOT,
T. HISLOP,
R. FULLERTON,
R. ALEXANDER.

JUDGE *of* CUDDAPAH *to the* SECRETARY *to* GOVERNMENT,
Dated the 9th December 1816.

To the Secretary to Government in the Judicial Department, Fort St. George.

SIR:

Report from Judge of Cuddapah, 9 Dec. 1816.

The new Regulations having ordered the discharge of the several Commissioners in this zillah, and the appointment, in their stead, of only seven, the following places have been selected for the stations of their cutcherries, viz. Cumlapoor, Nossum, Vempullee, Wailpad, Tungatoor, Calispad, and Narkapoor.

The

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The former establishment of thirty-eight Commissioners was selected from persons in opulent circumstances of life: the greater part were not required to move from their homes, but their cutcherries were kept in their own dwellings. Under the new system a different arrangement has become necessary. Particular spots have been previously selected for the stations of the cutcherries, and from the small number of select persons commissioned to administer justice, it has been deemed advisable to nominate each person to a station distant from his home, to provide against the disabilities which might be occasioned by the Moonsiffs themselves, or their relatives and particular friends, being interested in suits, which they might otherwise be able to try: a consequence from which great obstructions might be liable to arise, when there was only a single person commissioned to act in a large extent of territory.

At the stations where the Moonsiffs are now stationed, they are not in possession of dwelling-houses in which their cutcherries can be held; and, indeed, under the full operation of the present system, no dwelling-house in the country could be adapted for the purpose, for the cutcherries should not only afford shelter from sun and rain, but be equal to the accommodation, at one time, of the many punchayets, of which the system proposes the assemblage during the transaction of business.

The places above mentioned appear to be those best adapted for dividing this large zillah into seven jurisdictions, under the plan of the Commissioners, for no talook Moonsiff being stationed in the town where the zillah court is held; but the extent of each jurisdiction is, under the present limitation of the number of select Commissioners, so great, that the inconveniences to which, in my opinion, the inhabitants may be subjected, urge me to entertain hopes that, at some future period, the number of select Commissioners will be increased. On such an occasion, it may become necessary to alter the stations, some of which have now been only fixed on because it was necessary to select stations central to each of the seven divisions.

By these means, some of the most opulent and commercial places to which, under the former system, two Commissioners were granted, are greatly distant from the station of Moonsiff, and thus the citizens of this large town, in which, until lately, six select Commissioners held their courts, are necessitated, if they prefer punchayets under a talook Moonsiff, or the less costly proceedings before him, to travel the distance of thirteen miles, Cumlapoor being the nearest station of any public officer of the sort. The consequence at present is, that although the costs in the courts of the (now only two) Sudder Aumeens have been increased, suitors express much anxiety for the Judge referring their cases to those courts; and they are also induced to be more solicitous on this subject, because now that the former fixed establishment of select Vakeels has been abolished, personal attendance is more required at the courts of the district Moonsiffs. Every merchant has not a servant or dependant on whose ability he can place confidence, and the more numerous portion of the society, or that formed of classes entirely illiterate, to which may be added the fatherless and widow and the aged, who cannot travel, has very little capacity to plead in person. Such persons seldom have either relations, servants, or dependants, endowed with greater capacity than that which has fallen to their own lot; and whether they attend in person or send an illiterate relation, they are necessitated to provide the help of some person able to give advice and assistance.

The consequence of these, and other qualities of the new system, may be the collection of many persons at the courts of the district Moonsiffs. Any idea that the generosity of the Government would, at a future period, increase in some degree the number of persons selected, commissioned, and paid for the administration of justice to this large population, would check me from proposing, that the Government should go to any expense on some of the present stations; but there are so many powerful reasons why, for the sake of humanity, the proposal should be submitted to the liberality of the Government, that it might hereafter be considered a neglect of the duties of justice, were I to refrain longer from laying the subject before my superiors, and presumption in me to have delayed the measure from anticipating any future increase of the

establishment.

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establishment. The natives are very apt to complain, if a revenue officer keeps them standing exposed to the sun or to rain, and will do the like if it occur through the summons of a Moonsiff.

I shall venture to mention a few of the reasons which, under the present system, may necessitate the erection of public buildings for the courts which the Government has lately established. The former Commissioners had generally formed small courts near their dwellings; but, by their offices having been abolished so soon after they had incurred such expense, and after some of them, as well as all the Vakeels, had even undergone the greater expense of settling themselves at the stations to which they had been appointed, a check may have been occasioned to the present Commissioners laying out money for a like purpose in the present instance. However, if there still existed the inclination of building small courts, it were totally impossible for them to make buildings of a sufficient size to afford room for the accommodation of the multitude which the new system proposes to collect, if it prove successful; and by Section 18, Regulation VI. the Moonsiffs must sit in a "public court-room."

It has been mentioned how that, under the present system, a single professional pleader cannot represent many individuals; but whatever number of cases be dependant before the Moonsiff, all the plaintiffs and defendants, females as well as males, unless they be related, whether one, two, three, four, or more, in each capacity, must either attend in person, or be each represented by a particular pleader, who holds towards him or her one of the relations which the law requires. Thus, whether each individual who is a party to the case, or his or her particular Vakeel, attend, the smallest number who must continue in attendance on only fifty numbers being dependant before the Moonsiff or punchayet, will amount to one hundred; and the number will, on an average, be greatly increased, by there being several plaintiffs and defendants in some suits, and by the illiterate persons who have only illiterate relatives, servants, and dependants, becoming necessitated, if they wish to ward off the ruin of unjust demands, to undergo the cost, not recoverable in the degree of bringing in their company some person able to direct them in their defence, to instruct them in points of law, and write and read pleadings which they cannot write or read themselves. Indeed, as the plaint to be tried in punchayet is only to be read to the person sued, however great the property which is demanded from his or her hands be, it may require an extraordinary degree of composure, under such circumstances, and of strength of memory, to enable him or her to make answer, and it is final. Defendants, in such cases, will likely require the assistance of their several friends. These, and other circumstances, may greatly add to the numbers who will be continually waiting and requiring room in the "court" of a Moonsiff.

What may be the probable number which will usually be assembled I shall not here presume to estimate with exactness. There being now only one Moonsiff to a large district, accidents, to which he, with all human beings, is subject, such as the sickness of himself and near relatives, may occasion delay; and there are also ceremonies, such as attendance at the sick-bed or funerals of near relatives, for the performance of which leave of absence, even for several days, if the distance requires that time, can scarcely with due regard of humanity and piety be refused, either to him or to persons summoned to punchayet. Though the arrangements do not appear in the law, if a person watching over a dying father or mother did not leave his charge when called, and assigned for reason the pious duties in which he was engaged, the Moonsiff surely should hesitate in levying the fine. The Moonsiff is also liable to be called away, if prosecuted or summoned to give evidence in other cases, if he be employed by the Regulations in executing the several processes of the courts for sale of property, and he even is not exempted from nomination by the village Moonsiff to a village punchayet. However, when, from whatever one of the many causes liable to happen, he be absent from his station, all proceedings may be delayed until his return, as the present system and small number of Moonsiffs do not admit of the zillah Judge recalling the reference, and sending the case, on the most uncontrollable of the above accidents, the sickness of the Moonsiff, as heretofore, to a neighbouring Commissioner, who remaining free from the calamity is effective.

It

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It is not unfrequent that in cases, particularly those relating to trade, the plaintiff and defendant may live at the distance of one hundred or more miles from each other, and the witnesses to the transaction be residents of places distant from the habitation of either party. Such plaintiff, until lately, could authorize, even by tappal, a regular Vakeel, resident near the place where the defendant dwelt, to conduct his other proceedings before a neighbouring Commissioner; but now he or she must proceed, either in person, or be represented by a particular Vakeel. If either, however, the principal or Vakeel have journied from a long distance for the purpose, he or she could not return home on the sickness of the Moonsiff, but must keep daily attendance on the court, in expectation of his recovery. Those who lived near might return home, but might, by so doing, be liable to make default, because of being too far distant to receive timely intelligence, having probably no friend to dispatch it, as the fixed Vakeels formerly did; or liable, also, to costs and fatigue from length of journey, might, between the two evils, judge the attendance under expectation to be the most prudent, though it be costly, and even in some degree the subject of self-vexation.

By the third clause of Section 30, Regulation VI. A. D. 1816, the Moonsiffs are justly enjoined to take the depositions of witnesses attending before them with all due expedition, so that, as the law humanely observes, they "may not be exposed to any vexatious delay or unnecessary detention from "their respective homes and employments." This law does not authorize the district Moonsiffs to give batta; but by Section 20, Regulation VII. A. D. 1816, made expressly for the guide of punchayets, it is ordered, that the batta to witnesses attending to give evidence before a district punchayet shall be paid daily, under the orders of the district Moonsiff, by the party on whose behalf they may respectively be summoned, each witness being deemed "entitled" by the law to be reimbursed for his attendance in this duty, by the receipt of "not less than one anna per diem," or more, if the Moonsiff determine the same just, in reference to the situation in life of the witness, because, on the very same principle, the reimbursement may appear just in both cases, and because the spirit of the law is evidently more for lessening the costs before punchayets than before district Moonsiffs. The omission of a like authority in the law for the district Moonsiff, wherein the effect of delay is acknowledged, is not presumed to have been intentional, but rather arising from the excessive difficulty of concentrating into "one" statute all the points of practice which are applicable to a department, as has been attempted according to the preamble.

Whether, under the omission, it be necessary to hold a somewhat different regard to the state of witnesses summoned by the district Moonsiffs, I shall not here presume to state. It has been represented as one of the points on which those officers hold doubts as to the rightful manner of proceeding. There may be cases, however, in which witnesses being summoned before the illness of a Moonsiff began, delay might be caused to them. A view cannot be accurately formed of the collective numbers who may be supposed liable to be in attendance before a district Moonsiff, and therefore requiring some shelter in the courts, until the effect of the new laws be more experienced. If the costs thrown on the proceedings before the ordinary courts of the Judge of the Register and Sudder Aumeens can have the power of making persons, particularly debtors, who place all their hopes on delay, submit to arbitration, because it is accounted by some an expeditious mode of settlement, the number of trials which the Moonsiff must examine in person will be diminished, otherwise by the native Commissioners, before whom debtors for above ten rupees can be summoned, being reduced to seven, it may be reasonably expected, from actual experience with several times the number of select Commissioners, that the files of each of the seven will contain a large number of cases long dependant, and the number of people who will be in attendance, and have to find room and shelter in each court, will become at times very considerable. There are now, it may be repeated, no professional Vakeels publicly examined in knowledge of law, each single person of whom could represent many, or as Blackstone, when teaching of juries, states "forty clients;" and if honest, one of the qualities on account of which they are selected, probably with less expense and with more efficiency than

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than an unpractised individual, the whole of whose costs while from home fall on his employer. Honest and able conduct in practice, and the legal responsibility under which the fixed Vakeel is placed, create a confidence, which the unpractised and less responsible private person seems less fitted to attain. This one will seldom be trusted beyond the presence of his employer; and thus, if parties employ Vakeels under the present system, the number in attendance may frequently be doubled.

The greater portion of the persons above alluded to are, however, formed of those who voluntarily place themselves in the situation, from which any delay or inconveniences to vex them may arise; and even the witnesses, though constrained to attend, are generally, in some degree, interested in the transaction. It may not, therefore, be deemed equally necessary, for the cares of the Government being humanely directed to the accommodation or mere shelter from the weather of these as of the principal or more intelligent inhabitants, to render whom useful and respectable the new system employs them in administering justice, for the purpose of diminishing the expense of litigation. To the calculation made by the Legislature I respectfully bow, and trust I shall not be transgressing, by showing how the law may nevertheless affect many Subjects of the State, for the argument is necessary to support the proposition which I am now making, for some buildings being granted for their accommodation, when assembled by order of the State on such duties. *Sic orig.*

I trust that the Right Honourable the Governor in Council will pardon the confession, that after having assayed the calculation in various manners, some doubts have still appeared in the accounts, as to how the trial and decision of suits, particularly small ones under punchayets, are a less immediate cost to the individuals employed, and collectively of less future cost to the resources of the State, than the former system. The same opinion is, however, acknowledged by Section 8, Regulation XXI. A. D. 1802, still remaining in greater force as a rule to a zillah Judge than the new law of punchayets. If he assembles an arbitration, he is to be ruled by the above law, while he cannot command the presence of arbitrators on the new plan. Until the inhabitants evince confidence in village punchayets, whether it ever will be accomplished may still be allowed to be doubtful. The operations of punchayets have never been stopped, except through the disrepute into which they have, through some causes, probably not unessential to the form of trial itself, fallen.

Village punchayets may more affect the revenue of Government, by congregating all those interested or curious about the difference as spectators or actors in the show. Instead of going forth of early morn to the field, many inhabitants, each day that litigation is to take place in the village court, may reckon on the day being lost to the labours of agriculture. My present object being, however, the adequate shelter and accommodation of those commanded to attend [illegible] unchayets, my reasoning will, in the present instance, be limited [illegible] of punchayets before district Moonsiffs, superintending jurisdictions of s[illegible] great extent each, as must be the consequence when a zillah, until of late years divided into seventeen and even more aumildaries or divisions, for the collection of revenue, is divided into only seven jurisdictions of this species.

The public and private expense of an administration of the law, through punchayets, before district Moonsiffs, probably, as soon as the distance brings it beyond the circle wherein the punchayet may so much affect agricultural industry, begins to keep a progression in magnitude, according to the length of road which each member has to travel, and thus might possibly be one-third less productive of public and private cost, if the jurisdiction were half the size. It might be decreased, by one set of members serving, as one set of jurors at the assizes, for several trials.

Under the present rules, the costs of punchayets do scarcely affect the litigator; but though they be not summed up in the account which the unjust litigator has to pay, his act still originates the whole, whether it is found in costs to the state from stoppage of occupations, or in the several personal inconveniences of a person being called sometimes at the unseasonable times, of which some mention has been made, from his family, or in the actual charges

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or fatigues of travel, or the extraordinary charges of a residence from home, or attendance and labour taken gratis in court. The five, seven, nine, or eleven members of the punchayet, have much previous duty to perform, and are inevitably to be detained longer than the few witnesses. These are not always required; and though, like these, the members of the court are not declared to be legally entitled to reimbursement for their trouble, cost must have assuredly been occasioned to them, exactly on the same principle as costs are shown by the law to happen to the witnesses, and on the same principle be also greater per diem, with the same reference to situation in life. Thus, observed Blackstone, "the most troublesome and most expensive attendance is that of jurors and witnesses." In trials by jury, however, the detention of a juror for a verdict can only be a few hours longer than that of a witness.

There might be shewn numerous instances, wherein the members of a punchayet would have to attend from double or treble the distance that the citizens of Cuddapah would have to travel, if cited before the nearest Moonsiff at Cumulapoor; but they have, in all cases of the sort, to travel about thirteen miles, or a moderate day's journey for the healthy, and sufficient for two days' journey for the infirm, particularly if they can only afford to travel on foot. While having before me the preamble and Section 20 of Regulation VII. A. D. 1816, it may be allowed to estimate the cost of each principal inhabitant cited to act as a member at four annas per diem; if so, this sum is to be daily multiplied by the numbers five, seven, nine, or eleven, to calculate the extraordinary charge of a collective body of judges. This was formerly thought so evident, that the law, in Section 3, Regulation XX. A. D. 1802, provides for referring the decision of cases under two hundred rupees to one arbitrator; and while a friend, who is in the mutual confidence of both parties, can quickly effect a good understanding between the two, five such are not frequently found.

The cost of the Moonsiff, or the same cost which until lately has been found to remunerate a Commission, is still incurred. The sum of four annas will not repay a man of rank, who finds it necessary to use a conveyance; and no ranks of persons are exempted, as is the case of jurors, when officers of courts are exempted, either on account of public or private duties, by the letter of the law. Even the law officers of the court, or the Sherishtadars of revenue, or what would produce greater public loss, the custom officers, may be liable to be summoned in their due turn, however greatly the loss of so much time and so much labour of officers so highly paid would be costly to the Government, who paid for while it lost their important duties. Thus, besides the personal charge and fatigue of the officer, if the revenue Sheristadar of this zillah, the example of the highest officer is taken, for it will elucidate the question in regard to all others, whether Aumildars, law officers, custom Gomastahs, and the like, the loss of the Government in his daily pay would be five star pagodas. He probably could not travel, being, as a man of high cast, obliged to be accompanied with a Brahmin to cook his food, and other domestics, under two rupees each day.

Though these are not costs chargeable under the new system to the litigators, they are caused by the litigation, whether the member of the punchayet be of the rank to render the one anna or the two rupees costs necessary to the traveller. In respect to the Sherishtadar, it would probably seem unnecessary to represent the loss of the five pagodas as grounds of any commiseration to his case. If batta were given to public servants called in their turn to these duties, it might only increase the loss of their employers, by becoming an inducement to delay their return to public labours; but in the case of a "most "respectable" merchant, banker, or other professional man, who could gain by industry five pagodas, which he must lose if constrained to quit his occupation, the whole loss of the five pagodas and two rupees per diem might, in just argument, be laid to the moral responsibility of the litigation, and the cost of the single member would amount to nearly seventeen star pagodas, though the trial was finished, which can seldom happen, in one day; that is, one day's journey to the station, one detention, and one day for returning home. The same expense would occur, whether the subject of dispute be small

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small or great. The cost of the merchant, and his four, six, or ten companions, would be the same, if suit was only made for seventeen rupees. Through a suit for the recovery of this small sum, the sick or dying patients of a native doctor, summoned away from his charge, would remain without medical attendance, perhaps at the most urgent moments, when his presence might secure the recovery of their health, and the re-establishment of happiness to grieving families.

Because, last year, more than five thousand three hundred suits were filed in this zillah, I shall presume there may be yearly filed at a future period six thousand. The decision of all these, as the law seems to desire, by punchayet, would, if no second punchayet happened, at the smallest legal tally (that of five) require, exclusive of the Moonsiff, the parties, and witnesses and others, the yearly attendance of thirty thousand persons, or more than the one-tenth of all grown up and effective males in this zillah or country, to be in a greater or smaller degree called off from those occupations by which they live. All the trials before an assize in England may not take up the time of a single punchayet in general; yet, to provide against cost, it has been enacted that the sherif call, for the trial of all issues at the same assizes, not less than forty-eight, nor more than seventy-two jurors, in any one county, the largest number being each year only one hundred and forty-four. The resources of any state are only composed of a portion of the collective gains in it, and chiefly of its grown up male Subjects. In English law a female may be an arbitratrix, and I therefore do not presume to affirm, that all in punchayets must be males; but the larger gains are generally the lot of the principal and more intelligent inhabitants, and as punchayets are by law to be formed of these, the consequences of so many being kept from employ might be calculated as much beyond the average of one-tenth of the general income during the time thus passed. Tallies of eleven would require the absence of sisty-six thousand persons from home during the year.

Probably the number of the vulgar, such as Chuklars, Pariahs, Coorchawars, Wuddawars, Kasaiyees, and others, who from utter want of intelligence might be deemed incapacitated for employ on such duties, may be found to be even nine-tenths of the males. In Athens, whose populace has been peculiarly noted for the liberal sciences, the freemen were found to be as one to twenty of the servants, slaves, and the degraded classes. There appears, however, some opposing qualities in the provisions of the law; and though I venture on such a remark with great hesitation, from respect for all ordinances of the legislature, by Clause 2, Section 3, punchayets must be composed of the most respectable inhabitants, but by Clause 4, if the parties are of different castes or professions, an equal number of the caste or profession of each are to be chosen. Thus, if the plaintiff were a Chuklar and the defendant a Curnum, there should be two Chuklars and two Brahmins. I shall not remark on the incongruous materials of such a court. The Brahmins would not consent to sit with the Chuklars, and two Curnums would, if they did consult with the two, soon prove too powerful. But if the whole law stands, it were scarcely possible to form a punchayet under it, because no one of the most respectable inhabitants of the district belongs to the caste or profession of Chuklar, or to the Pariah and some other castes and professions. In common arbitrations, or even those of clause sixth, such persons could act with less objection, because, as the law observes, the arbitrator is appointed by the choice of the parties themselves, and it is their folly to choose an improper person. But the public officer is to appoint in the present case, and he has two important functions to attend to: first, the obtaining for each case fit and legal or " intelligent judges;" secondly, to equitably divide them amongst the intelligent head-men in his jurisdiction.

If there can be found on the intelligent of the district, and village Moonsiffs and all the higher public servants, all Somiagies, all doctors, &c. being taken into the account, thirty thousand grown up males fit to sit on punchayets in this zillah, and the punchayets, the witnesses have frequently to be summoned from a distance during the interval, took, on an average, including sometimes the necessity of one, two, or three, or four days' journey to the station, and as many back, each man but one week from his usual occupation, it would then be one part in each fifty-second, or an impost of nearly two per cent. of the principal

Sic orig.

principal of all income, in addition to costs, of which a part would directly fall on Government in pay of servants. By Regulation XXI. A. D. 1802, the public officers of the court are exempted from arbitrations, though not in the new Regulations. The direct loss to Government might be greatest in the Customs department, but some would indirectly occur in its share of the gain of each of the principal subjects of the realm. If any one merchant's trade was obstructed, and by his being called to the duties of the punchayet he lost the favourable opportunity of setting off in a journey for some commercial transaction, a proportion of this also would finally devolve on the state. It will also always share in the expense of any unnecessary detention, in consequence of the proceedings of punchayets being delayed through want of accommodation in the public cutcherries.

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The before-mentioned average of one week will certainly not be deemed beyond the term which is probable (it is, indeed, the term which may be required to prepare answer after hearing the plaint) according to human affairs. Hitherto I have only remarked on the delay which may arise through absence of the single district Moonsiff, and have confined my remarks on this subject chiefly to his absence, through the uncontrollable consequences of ill health, without mentioning the frequent necessity of his absence, if he must personally superintend the sale of effects in execution of his decrees, or can be employed in the sale of distraint property; but as all men, whether plaintiffs, defendants, witnesses, or arbitrators, are as human beings liable to the incapacities of sickness, a system in which so many plaintiffs, defendants, and others, must personally attend, will, in a like proportion, become subject the more frequently to such delays arising from ill health. The sickness of the members will, and the law can scarcely provide a remedy, cause delays in the sittings of the courts, though the law even ordains that no member, though he receive intelligence of some fatal accident to his own concerns, or of the desperate state of a father or mother, shall venture to depart until the decision be recorded.

If the provisions of the law are adopted for the necessity of ten punchayets being ever assembled, and waiting or sitting at one time at each court of a district Moonsiff, it becomes perhaps necessary for the Government, with a view to provide against its own loss, as well as with a view of humanity to the people constrained to give attendance, that the room should be sufficient to admit of so many assemblages of persons conducting business without obstructing each other. Small rooms, as in dwelling-houses of the natives, would probably not only afford concealment for corruption, but may not be such public cutcherries as the law requires. Calculating only a single plaintiff, a single defendant, one witness, and five members, the public cutcherry should be fitted to contain more than eighty persons, and to afford sufficient room for the unobstructed pursuit of their separate concerns.

It were desirable that, on any person, particularly the more venerable and infirm members of the community, coming off a journey, which he by public command alone would have ever attempted, should be immediately able to find shelter in the public cutcherries, until his attendants contract with some inhabitant for his lodging. "Old men above seventy, persons continually "sick or ill at the time, are exempted" from juries by English law, and the sheriff is liable to pay damages to the party grieved if he summon them. On the commencement of the effect which the legislature seems to desire or the popularity of trial by punchayet, these consequences may not be immediately felt, for the Moonsiff will commence by enforcing the attendance of the more intelligent people of the neighbourhood; but the calculations on the case show, that as litigation increases, the members must be cited from a greater distance, and their attendance more strictly enforced.

However, to re-establish the good repute of punchayet, after even punchayets of arbitrators, voluntarily chosen, have gradually of themselves lost the estimation of the people, the duties of the office should be rendered as easy as circumstances can justly permit. The expedition of this mode of trial depends on the ready attendance and exertions of the people chosen, and its justice on their calm attendance to the perplexed cases on which they may be summoned to decide. Indeed, the law ordains that the burthens and toil of this species of administration shall be equitably placed in their turn on all, and no one is to be more

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more frequently called than others of those who are really fitted. On these arrangements the popularity of those means of administration greatly depends. The bailiff of Middlesex "acknowledged to have received in some years seventy pounds." He was accused of excusing "those jurors who paid him, "and of summoning more frequently those that refused to do so;" he affirmed, he only received it as a Christmas-box, as a mere tamboolum or a reddee fee, but the court fined him two hundred pounds: and care must also be taken that the district and village Moonsiffs do not thus abuse their powers.

Continued thought on the subject forces other points relating to the matter on the mind; but I trust that I have brought to the notice of the Right Honourable the Governor in Council sufficient reasons for the proposition which I now submit for the accommodation of these collective bodies of people, brought together by public command, for public duties. Yet that none of the remarks which the subject has necessitated me to venture, for showing the personal inconvenience to which they otherwise may be subject, will appear unappropriate to the occasion, I shall conclude by submitting to the consideration of the Government the propriety of the Revenue department allowing any public buildings, not in immediate use at the seven stations before mentioned, to be made use of for the accommodation of the district Moonsiffs, lest they may not be able to obtain, in some instances, a better place for temporary public cutcherries or court rooms, than a Bukkal's verandah, and that the Judicial department have the use of such buildings, until those which the Right Honourable the Governor in Council may determine to construct be completed.

Wailpad, Nosum, Tungatoor, and Marhapoor, would be selected as stations, when Cumulapoor, Vempullee, and Kalispad, might not be so, in dividing the country into a greater number of jurisdictions; but at the same time, from these being smaller towns, lodgings where those cited on punchayets can put up are found with greater difficulty, and this great objection immediately arises, when, from views of economy, I should be desirous of first recommending the construction of courts at the four stations most likely to be permanent. I, in consequence, after having made this exposition of the circumstances of the case, shall not venture to trespass further on the attention of the Government, and without estimating the expense of the arrangement, await its orders in regard to the construction of public buildings, or to any other arrangements which may appear to be adapted for accomplishing the purpose of the law which requires "public cutcherries."

I have the honour to be, &c.

(Signed) THOS. NEWNHAM,
Judge.

Cuddapah, Zillah Court,
9th December 1816.

SECRETARY *to* GOVERNMENT *to* COMMISSIONERS,
Dated 30th December 1816.

To the Commission for the Revision of the Judicial System.

Letter to Judicial Commissioners, 30 Dec. 1816.

GENTLEMEN:

I am directed by the Right Honourable the Governor in Council to refer, for your consideration and report, the accompanying copy of a letter from the Judge of the zillah of Cuddapah, dated the 9th instant.

I have the honour to be, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George, 30th December 1816.

COMMRS.

COMMISSIONERS *to* SECRETARY *to* GOVERNMENT,
Dated the 5th March 1817.

To the Chief Secretary to Government of Fort St. George.

SIR:

1. WE have now the honour to report on the subject of the Judge of Cuddapah's letter of the 9th December, transmitted to us with Mr. Secretary Hill's letter of the 30th of that month.

Report of Judicial Commissioners, 5 March 1817.

2. The Judge's letter enters into a comparison of different points of the old and new Regulations, the evil likely to result to almost all classes, but more especially to the old and infirm, the illiterate, and the widow and the orphan, from the district Moonsiffs not having a regular establishment of Vakeels; calculates the proportion of the male population likely to be every year assembled at district punchayets, and of individual labour and income which will be thereby lost; states what may be lost to the public by Judicial and Revenue servants being summoned to attend punchayets, and details his sentiments on a variety of other cases.

3. There are many difficulties looked forward to by the Judge, such as the summoning of the principal Judicial and Revenue officers to sit on punchayets, and Bramins and Parias to sit on the same punchayet, which never can occur, and to which, therefore, it can hardly be necessary to say much in answer. The main object of his letter seems to be, to recommend the payment of batta to witnesses in cases tried by the district Moonsiffs, the appointment of regular Vakeels to the district Moonsiff's court, and the erection of cutcherries or court rooms, at the expense of Government, for the use of those Moonsiffs.

4. With respect to the payment of batta to witnesses in suits before the district Moonsiff, it was not deemed necessary to make an express provision regarding it, the Moonsiffs being directed, in Section 13, Regulation VI. 1816, in points not expressly provided for in that Regulation, to observe, as nearly as may be practicable, the rules prescribed for the guidance of the zillah courts, in the trial and decision of civil suits; but in punchayets it was necessary to make an express provision regarding the rate of batta to be determined by the district Moonsiff, instead of the members of the punchayet, there being no other rule to go by.

5. In excluding regular Vakeels from the district Moonsiff's court, the Regulation has followed the principle noticed in our report of the 15th July 1815, that they should be excluded from all courts of native jurisdiction. The Judge observes, that "every merchant has not a servant or relative in whose ability "he can place confidence." If he has not, he will attend himself. The instances will be rare, in which he can neither send such a confidential agent nor attend himself. The Judge also remarks, that the "classes entirely illiterate, "to which may be added the fatherless and widow, and the aged, who cannot "travel, have very little capacity to plead in person." It does not seem necessary that all these persons should retain able pleaders. The greater proportion of them will, probably, get their suits settled in their own villages; and should some of them have recourse to the district Moonsiff's court, and employ as their Vakeels, instead of attending in person, relatives not endowed with greater capacity than that which has fallen to their own lot, it can only be ascertained by experience, whether this circumstance will or will not produce greater inconvenience than that which arises from the employment of professional Vakeels.

6. The Judge supposes, that much inconvenience will be experienced from all proceedings being liable to be delayed, by the district Moonsiff being, with all human beings, "subject to sickness himself, by attendance at the sick bed "or funerals of near relations," and from his not being exempted from nomination by the village Moonsiff to the village punchayet; and that the inconvenience will be the more felt, "as the present system, and small number of "Moonsiffs do not admit of the zillah Judge withcalling the reference, and "sending the case, on the most uncontrollable of the above accidents (the sick- "ness of the Moonsiff), as heretofore, to a neighbouring Commissioner."

7. We

Report of Judicial Commissioners, 5 March 1817.

7. We see no cause to apprehend any bad consequence from the accidents which the Judge enumerates. The small number of district Moonsiffs, compared with the former establishment in some districts of native Commissioners, will be fully compensated by the creation of at least a thousand village Moonsiffs in each zillah, and the sickness of a district Moonsiff will therefore, most likely, produce as little interruption to the administration of justice, as that of the native Commissioner under the former Regulations. The absence of the district Moonsiff, by his nomination to a village punchayet, is a case that can never arise, because, though not prohibited by the Regulation, it is virtually so by the custom of the country, which excludes the officers of Government from sitting as members of a punchayet.

8. The proposition of the Judge for the erection of cutcherries, or court-houses, at the four stations of district Moonsiffs, which he thinks most likely to be permanent, seems to us to be at present rather premature. He recommends this measure chiefly upon the assumption that the cutcherry should, at the least, be large enough "to contain more than eighty (persons)," and to afford sufficient room for the unobstructed pursuit of their "separate concerns." He states, that the native Commissioners used to employ their own dwelling-houses as cutcherries, but that the district Moonsiffs have no houses of their own at the stations to which they are appointed.

9. Although the Moonsiff has no house of his own, he will certainly find a dwelling-house, and he will, like the native Commissioner, be able to make it answer as a cutcherry. Should it be too small for this purpose, he can easily make it large enough, by the erection of a shed, at a trifling expense. But this can hardly ever be necessary, as there is scarcely a principal village in which a district Commissioner ought to be stationed, in which a choultry, or pagoda, or some other public building, may not be found fit for a cutcherry. We are therefore of opinion, that no expense ought, at present, to be incurred for the erection of new buildings as cutcherries, but that the Collectors should be directed to allow the district Moonsiffs to employ as a cutcherry any unoccupied public building, at their respective stations, which may be fit for that purpose. The number of persons which it will be necessary to find room for in the cutcherry can be ascertained only from experience: and should it then be found absolutely necessary to erect any new cutcherries, they can be made of the size which experience has shewn to be necessary.

10. The Judge supposes that six thousand suits may be annually filed in his zillah; and he proceeds to observe, that "the decision of all these, as the law "seems to desire, by punchayet, would, if no second punchayet happened, at "the smallest legal tally, that of five, require the yearly attendance of thirty "thousand persons, or more than one-tenth of all grown up and effective males "in this zillah or country, and by tallies of eleven, would require the absence "of sixty-six thousand persons from home during the year." To these calculations it may be answered, that the foundation of them is erroneous, for the law requires no such thing as the decision of all these suits by punchayet. No suit can be referred to a punchayet, but at the joint request of both parties; and from the difficulty of bringing plaintiff and defendant to agree about the settlement of their disputes, the probability is that more suits will be decided by village and district Moonsiffs than by punchayets.

11. The Judge endeavours to show the loss that will result to the income of the community, and to the revenue of Government, by the assemblage of such multitudes by the operation of punchayets; and he says that "the village "punchayets may more affect the revenue of Government, by congregating "all those interested or curious about the difference, as spectators or actors in "the show, instead of going forth of early morn to the field." We confess that we feel none of the alarm which is here expressed about the injury likely to be sustained by the revenue from village punchayets. The Judge himself observes, in another part of his letter, that punchayets have fallen into disrepute. If this is the case, they will be too seldom resorted to, to have any influence on the revenue. But allowing that they should recover their reputation, and become ever so popular, the business of the country could never require more, upon an average, than one punchayet yearly for each village; and

Report of Judicial Commissioners, 5 March 1817.

and even this could not at all affect the revenue. A punchayet is not a new sight in any village. When it was in use, it was not found to congregate the inhabitants " about the show, instead of going forth of early morn;" nor is there reason to apprehend that it will be more likely to produce this effect now.

12. The Judge, in remarking upon Clause 4, Section 3, Regulation V. 1816, which provides that when the parties are of different casts or professions, the punchayet should be composed of an equal number of the cast or profession of each, observes that, if the plaintiff were a Chuckler and the defendant a Bramin, "there should be two Chucklers and two Bramins" on the punchayet; and that as the Bramins would not sit with the Chucklers, if the whole law stands, it were scarcely possible to form a punchayet under it. The Judge's reasoning seems to be founded upon the belief, that the Chucklers and Pariars are included in the four casts into which the Hindoos are divided. But they do not belong to either of them: they are usually called the fifth cast. They are regarded as unclean and unfit to sit with any of the others, so that when any individual of the fifth cast has a claim against a person belonging to any of the Hindoo casts, it must, by the usage of the country, be decided by a punchayet chosen from among the four casts. No person belonging to the fifth cast can be a member of it: when, therefore, a Chuckler brings a suit against a Bramin, the punchayet will be composed of Bramins and other casts of Hindoos; but if he objects to the Bramins, it will be chosen from the remaining Hindoo casts. It was deemed unnecessary to prescribe by Regulation, that Chucklers and Pariars should not be (what no Regulation could possibly make them) eligible as members of punchayets.

We have, &c.

(Signed) THOMAS MUNRO,
First Commissioner.
GEO. STRATTON,
Second Commissioner.

Madras, 5th March 1817.

SECRETARY *to* GOVERNMENT *to* COMMISSIONERS,
Dated the 15*th April* 1817.

Letter to Judicial Commissioners, 15 April 1817.

To the Commission for the Revision of the Judicial System.

GENTLEMEN:

1. I AM directed to acknowledge the receipt of your letter of the 5th ultimo.

2. As you are of opinion that the objections stated by the Judge of the zillah of Cuddapah, against several provisions contained in the new Regulations, will not be practicably experienced, the Governor in Council does not consider it necessary, for the present at least, to adopt any measures with the view of obviating those objections. It is the wish of the Governor in Council, that the defects and omissions of the new system (for such, it is presumed, there must be in any new system of equal extent) should be well ascertained, before any remedy is applied to them. The Governor in Council, therefore, acquiesces in the explanations which you have afforded.

3. I am, however, directed to express the regret of the Governor in Council, that the style of your animadversions on Mr. Newnham's letter is, in some respects, liable to objection, as not tending to forward the temperate and unprejudiced discussion of questions of a public nature.

I have, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George, 15 April 1817.

REPORT *of* COLONEL MUNRO,
Dated the 8*th February* 1817.

To the Chief Secretary to the Government, Fort St. George.

SIR:

Colonel Munro's Report, 8 Feb. 1817.

1. I ARRIVED at Myaveram, in Tanjore, on the 12th of January, where I found the Collector's cutcherry. As my chief object was to learn what progress had been made in the appointment of the heads of villages required by the Regulations, what were the obstacles by which its execution was impeded, and what were the means by which they could be removed, I applied for information on these points to the acting Collector, who furnished me with an abstract statement of all that had been received respecting them.*

From this statement it appears, that the whole number of villages in Tanjore is	6,011
That Potails were already appointed, and lists sent to the Tehsildars, for	4,108
And that for the remaining	1,903

no Potails had been yet appointed, owing to various causes, which are inserted opposite to the totals of the several classes of which these villages are composed.

2. The first of these classes is composed of Yehabogum villages, or villages of which one, two, or more, are the undivided property of one Meerassadar, and in which the Meerassadar has no house in any of his own villages: the number is	253
The second class is composed of villages of the same description, in which Meerassadars have no houses, but reside in other villages of their own, in which they have houses	249
	502

By Section 3, Regulation IV. 1816, no person who does not "generally "reside in the village" can act as Potail of it, and it may, therefore, be said, that the Meerassadars of the above villages are excluded from the office. Where the absent Merassadar employs a resident manager, this person becomes the Potail. Where the manager is temporary, residing only for a few months during the season, he might act as Potail while he resides; and during his absence, the person in the village, under whose authority the village servants remain. Such villages are usually so small as scarcely to deserve the name of hamlets, and it is of very little importance who acts as their Potails. Where the Meerassadar resides in one of his own villages, and possesses one or more adjoining to it, they might be considered as one, and he might be appointed Potail of the whole. Something very similar is common in other districts, where many of the villages consist of one principal, with five or six dependant villages under the same Potail, and where even principal villages, after having fallen into decay, and having only a few huts left, are placed under the management of the head of some neighbouring village.

3. The object of the Regulation, in prescribing residence to the head of the vil[illegible] was evidently the convenience of the inhabitants, by confiding the offi[illegible], the person most likely to discharge its duties efficiently, and excluding the Zemindar, who lived at a distance and could not attend to them. An aggregate of small villages belonging to a single proprietor residing in one of them, and who manages the whole, ought undoubtedly still to continue under his management as head of the whole. To place new Potails in any of them would be contrary to the spirit of the Regulation, for there is no right or claim to be set in opposition to his. He is the sole proprietor: he is on the spot and is the actual manager, and is both better qualified and entitled to continue in the management of them than any other person.

4. In cases where the sole proprietor of several villages does not reside in any of them, but manages them personally, it may happen that he resides in the situation

* See Memorandum annexed.

situation most convenient for that purpose; that there are no habitations, except a few labourers' huts, in any of them; and that were he even to take up his residence in one of these villages, his new situation might be less convenient than his former one, not only to himself, but to the inhabitants who might have occasion to come to him on business.

Colonel Munro's Report 8 Feb. 1817.

5. The latitude given to the Collector, under Section 3, Regulation IV. 1816, in the appointment of the heads of villages, might, perhaps, enable him, both in the cases above stated and in those hereafter mentioned, to provide Potails, in the manner suggested in the preceding paragraphs; but should the Right Honourable the Governor in Council be of opinion that there is any case to which the regulation cannot be made to extend, the defect may easily be remedied by a supplementary Regulation.

6. The next class of villages in the Collector's list are villages held in shares by the Meerassadars........ 69

All the Meerassadars of these villages having been appointed to other villages in which they have shares, the villages here inserted are left without Potails.

Villages belonging to his Highness the Rajah........ 140

The appointment of Potails in these will, of course, be regulated by the same rules as in the villages of other Zemindars.

Villages under the management of the Collector, in which the Meerassadars are prohibited from having any interference, by the Proclamation of 1810........ 532

The Meerassadars of these villages ought to act as Potails. This arrangement would give them no more power of injuring the revenue than they have at present, as the presence of the servants of the Tehsildar would be a sufficient check upon them. In particular cases, in which it might be deemed unsafe to employ them, one of the cultivating Ryots might act as Potail.

Pagoda villages........ 576
Chattram and Multram villages........ 84
Mosque villages........ 16

These villages are the property of the pagodas, chutters, and mosques, and the headmen of these institutions ought to be the heads of the villages. Many of these villages are likely to be rented, and the renters will then be the Potail.

Villages belonging to the Rajahs, priests, singers, &c. who do not reside........ 26
Villages formerly possessed by Kavilgars, now under sumany........ 8

Total number of villages to which Potails are not appointed........ 1,903
And villages to which Potails have been appointed........ 4,108

7. Since the above statement was first prepared, the assistant Collector has received returns from three talooks shewing that one hundred and twenty-four uninhabited villages are included in the one thousand nine hundred and three villages without Potails; and when the returns are received from the six remaining talooks, that the number of uninhabited villages will probably amount to about six hundred, and leave only one thousand three hundred and three without Potails. But as one hundred and forty of these belong to the Rajah, and as the greater portion of the remainder is likely to be rented, it is probable that very few, if any, will be left, for which Potails may not be found under the existing Regulations.

8. As it appeared, however, from the returns sent in by the Tehsildars to the Collectors' cutchery, that of the Potails ordered to be appointed many had refused the office, and others, after accepting, had thrown it up, I requested the acting Collector to assemble the principal landholders or Meerassadars of the Mayaveram district, that I might have a full discussion with them upon the subject.

9. The

Colonel Munro's Report, 8 Feb. 1817.

9. The meeting lasted many hours, during which time they brought forward every argument they could devise against their being required to act as Potails or heads of villages. When they were desired to enter into particulars, and specify the duties they would have to discharge under the village Regulations, and when it was shown to them that these duties did not differ essentially from those which they had always been accustomed to perform, they had recourse to a general argument, which they urged whenever they were at a loss, namely, that their time was so much occupied in cultivation and finding the means of paying their rents, that they had none to spare for other purposes. One of the principal spokesmen, on being asked how many causes had gone last year to the zillah court from his village, which is one of the largest in the district, answered, "not one." When it was remarked, that the duty of Moonsiff in such a village, where a single petty suit had not occurred, in the whole year, could not engage much of his time, he replied, that "the inhabitants had "been restrained by the fear of stamp paper and law expenses, but that they "would now bring their suits to him, as there were no costs."

10. The spokesmen asserted, that the Meerassadars of a village would not agree to any one of their own body being head of the village, as it would enable him to oppress them, and under some pretence or other to dispossess them of their lands. They objected to taking charge of the village police, because the Talliar's grain allowance was not made answerable for thefts; because the thieves who commit the greatest depredations on their grain are the labouring coolies of the village, and that if they took up any of them for theft the rest would refuse to work when wanted, and injure the cultivation; because the loss of valuable property stolen is not now made good, either by the Kavilgars or the Government; and because they would themselves derive no advantage from undertaking a troublesome duty. They said, that notwithstanding all this, they would be willing to act as Potails of their villages, if the amount which they now paid, on account of kaweli fees, were remitted, or if the old system of paying a share of the crop, in place of a money rent, were restored.

11. I explained to them what they well knew, that they had derived many advantages from the Company's government, by the abolition of some heavy taxes, the increase of their share of the crop, the extension of their backyards and their exemption from assessment, the improvement at a great expense of the irrigation of the country, and the facility given to the export of their grain, and that, with respect to the duty being troublesome, and their having no compensation for it, the duty did not differ from what they had been accustomed to under the government of the Rajahs, when they received no remuneration for it from the public more than they do now, because it was supposed that the desire of authority, and the convenience of having the command of the village servants, would always be sufficient to induce some one of the Meerassadars to act as the head of the village, and that the rest were bound, where some allowance, whether temporary or fixed, was deemed necessary, to raise it by a contribution among themselves. The spokesmen, in answer to every thing that was said, always returned to the subject of the remission of the kaweli fees. They were told that this had been long ago settled after mature consideration, and could not be revived.

12. It was evident, from the whole of their arguments, and from each individual concurring, without the slightest variation, in every point with the two or three principal speakers, and from all asserting what they know to be unfounded, namely, that no Meerassadar had superior authority to another, that they had preconcerted their answers, and that they acted under the influence either of some of their own number or of some leading men in the country who directed them. I thought it best not to urge them further on the matter, lest it should have given rise to the belief that their acting as heads or Potails of their villages was regarded as a point of so much importance, that if they held out for a time in declining the office, Government would be disposed to grant them an allowance in money or land, as the price of their accepting it. I therefore told them, that I had nothing to do with the appointment of Potails, as it was a duty belonging entirely to the Collector, and that my business was merely to ascertain whether they had any reasonable objections to offer to the

measure

Colonel Munro's Report. 8 Feb. 1817.

measure in contemplation, and whether there was any local circumstances which should render it less applicable to Tanjore than to the neighbouring countries.

13. I thought it advisable to have no more meetings with bodies of the principal inhabitants, in order to hear their opinions respecting the office of Potail, to avoid every appearance of having any solicitude for its establishment, and to confine my inquiries chiefly to the nature of the internal village administration during the native Government, and as to how far any of the head inhabitants had a share in it, similar to that which is usually assigned to Potails in other districts. With this view I examined every person I met with, both on my way to Tanjore and at that place, from whom there was any probability of obtainining correct information. Among them were village servants, and proprietors both of lands and whole villages, and several persons employed by the former Rajahs before the transfer of the country to the Company.

14. The accounts of these people, though they differed in many points, concurred in the main one, that in villages held by a number of proprietors or Meerassadars, there was one who, under the title of Natumkar, exercised authority over the rest in all public concerns of the village. It appeared, also, from their statements, that the internal administration of Tanjore differed very little from that of other provinces under their native Princes. The country was divided into four soubahs, which were subdivided into tehsildaries: these again were subdivided into smaller districts, under Naub-Monigars, having under them the Wuthum-Monigars, who had each the charge of three, four, or five villages, according to their extent, and managed their affairs with the help of the head Meerassadar or Natumkar. All these officers, including the Natumkars, exercised authority in their respective gradations, not only in revenue but in police and judicial matters. The authority of each rank was undefined by any written rule, but still it was known by the custom of the country how far it could go.

15. The Natumkar of the village (head Meerassadar) had authority over all the village servants. He alone gave orders to them: if any other Meerassadar wanted the carpenter, smith, or any of the servants, he applied to the Natumkar. All orders from the Tehsildar or Wuthum Monigar were carried into effect by the Natumkar. The Natumkar received these orders, either in writing or verbally, from the Monigar. If the Natumkar happened to be absent when an order came from the Monigar, the Meerassadars, in all ordinary cases, usually evaded compliance with it until his return. He and the Monigar together superintended the cultivation, the reaping, and division of the crops and the collections. The Monigar could not act without the Natumkar, but the Natumkar could act without the Monigar, in almost every case, except when the Government received and sold its own share of the grain. When the Government share was commuted for money, the kists were collected by the Natumkar, either with or without the Monigar; but the money was never entrusted to the Monigar, but was carried by the Natumkar and Shroff to the district cutcherry, if the sum was considerable, or if small, by the Shroff alone. The Monigar did not necessarily attend at the Collections: they were made by the Natumkar in the presence of the Curnam and Shroff, and when the kists were not readily paid he exercised the compulsory means which are usual with the native Governments. In the public concerns of the village, the Natumkar sometimes consulted the other Meerassadars, sometimes not.

16. The Natumkar settled all disputes respecting water and shares of grain. In petty suits, where the parties consented, he either settled them himself or referred them to a punchayet. He was neither ordered to decide nor prohibited from deciding upon them; and if either of the parties, disliking his decision, applied to a higher authority, he was never called to account for it.

17. In cases of petty thefts of grain or other property, he either made the Talliar refund, or stopped his allowances from the village. Where the property stolen was considerable, he made the Talliar give notice to the district Kavilgar; and if he did not discover and restore it, or pay the equivalent, he complained to the Tehsildar.

18. The

Colonel Munro's Report, 8 Feb. 1817.

18. The Natumkar received an annual allowance from the other Meerassadars, usually in grain, but sometimes in money or in land, of which the rent to Government was paid by them. There was no fixed rate of allowance, every village had its own, which was continued as first agreed upon by the Natumkar and Meerassadar. The Natumkar, in addition to his fixed allowance, received batta from the village whenever he went to the cutcherry, for the number of days he was absent; and he was exempted from all the petty contributions, under the head of batta on account of public servants, which were paid by the other Meerassadars.

19. Besides these advantages, he enjoyed certain village honours to which he attached great importance. He received betel first at all the annual festivals of the pagoda, when the god is brought out in procession: he also received it first at all marriages, and if he happened to be absent his portion was taken out and given in charge to some of his friends, to be delivered to him before any could be distributed to the other inhabitants; and no voluntary contribution could be raised for any village ceremony, until it was sanctioned by his first paying his share.

20. The Natumkar was appointed by the Meerassadars: he was also removable by them; but this power does not seem to have been very generally exerted. His allowances, however, were very frequently withheld when they were dissatisfied with him, but were paid up when the cause of difference was removed. The son of the Natumkar was usually appointed to succeed to the office by the Meerassadars; or if he was unfit, the brother, or some other near relation. If none of them were qualified, one of the other Meerassadars was appointed. The relations, however, did not readily relinquish their claim, for the office was considered as a kind of hereditary property. The Meerassadars availed themselves of the right of appointment among the ordinary class of Natumkars, but among the higher class, who possessed great influence in the villages, the appointment seems to have been little more than a matter of form to confirm the succession, for most of the present leading Natumkars of villages have been preceded in the same office by their ancestors for several generations. In villages under one sole proprietor, he was both Natumkar and Meerassadar. In villages belonging to only two or three proprietors, the whole commonly acted together as joint Natumkars, as it was not necessary in so small a number to select one exclusively for the office.

21. The Natumkar of Tanjore was, in fact, the same as the Potail of other districts, having the village servants under his immediate authority, making the collections and exercising coercion against defaulters, settling petty disputes, stopping the Talliar and Kaweli allowances in cases of theft, and in short directing all the affairs of the village. It may be said, that there was a Monigar placed over him, by whose order he acted; but the Monigar had the management of several villages, and his business was merely to secure the Government share of the produce, to prevent depredations upon it, and to see it fairly sold. Monigars were not peculiar to Tanjore. Revenue officers under the same denomination, or that of Shikdars, Turrefdar, &c. were necessarily employed in all countries, when the public revenue was received in as share of the produce. This took place even where hereditary Potails were most completely established, for the Potail being himself a principal cultivator, could not safely be entrusted with a duty which it was so much his interest to betray. The control of a revenue officer over the head of the village was, in this case, unavoidable; but it was also usual, even where the revenue was paid in money, for the Tehsildars to appoint one of these petty officers to every five or six villages, to look after the cultivation and the collections: but this did not hinder the Natumkar or the Potail from possessing the immediate management of their villages, and exercising authority in all matters, excepting the division of the produce with Government.

22. From what has been said, it is manifest that there is no sufficient cause why the head Meerassadars or Natumkars of Tanjore should not, as well as the head Ryots of other districts, act as heads of their villages. They are certainly not less intelligent nor less qualified for the office. The very circumstance of the Meerassadars of Tanjore being, in general, nearly equal in intelligence, does

does not prevent their submitting their differences to each other, or to one of their number as Moonsiff, but rather renders it more easy to establish village Moonsiffs and village punchayets in Tanjore, than in districts whose inhabitants are less instructed.

23. There could not have been a finer field than Tanjore, on its transfer to the Company, for the establishment of a body of well qualified Potails. All the materials were ready: we did not use them, and our system, in this important point, is, in consequence, more defective than that of the native Government, because it employed the Natumkars, while all our arrangements have tended rather to throw them into neglect, than to bring them forward as useful instruments of internal administration. It is fortunate, however, that more attention has been paid to the Curnum than to the Natumkar. The raising the Curnum from his dependance on the Meerassadars, constituting him, instead of their servant, the servant of Government, and increasing his pay, is a most material improvement on the old system of the province. But if he was too much depressed before, he is too much elevated now, for he exercises the authority which, in other provinces, is divided between the Curnum and Potail. He acts as a kind of deputy to the Tehsildar, and is placed in authority over all the villages composing his wuthum, and has charge both of the accounts and of the collections, which is contrary to the general principle of his being employed as a check upon the Potail or person who manages the village and makes the collections.

24. It is a bad principle to have no intermediate authority between the Tehsildar of the district or his officers and the Ryot. The convenience, both of the public service and of the inhabitants, requires that there should be in each principal village, or community of smaller villages, one of the body of the Ryots empowered by Government to act as head of the village, to settle petty disputes, and to direct its officers. If, therefore, no Natumkar existed in Tanjore to perform the duty of Potail, the want ought to be immediately supplied. It has, however, been shewn, that there is no deficiency in this order of men in the province. The minute subdivision of Tanjore into villages, renders its villages, on an average, smaller in extent of territory, of population, and even of revenue, than those of other districts. The greater or less difficulty in the management of a village is occasioned by the population and extent of territory, not by the amount of revenue, for in two villages, where the territory and number of Ryots paying revenue are equal, but the revenue unequal, and ten times greater in the one than in the other, it is not more difficult to collect ten thousand rupees in the rich than one thousand in the poor village. In fact, the richer village is generally the easiest to manage of the two, because it is less liable to failure, and does not require the same attention to balances, tuckavy, and other details. The average of the territory and population of the Tanjore villages is not more than a fourth or a fifth of that of the villages in other districts, so that, in Tanjore, the duty of the head of the village is not only more easy, but, as has already been observed, there is a greater body of men well qualified to discharge it, than perhaps in any other province under the Madras Government.

25. The Collector should be ordered to direct the Natumkars or head Meerassadars to act as Potails. To take the opinions separately of all the individuals composing so numerous a body, as to their being willing or not to undertake the office, answers no purpose but to raise difficulties and occasion delay. Indeed, such opinions cannot be obtained; for it is well known, that there are always a few leading men in each district, by whom all the other heads of villages are guided, in rejecting or accepting any arrangement proposed to them, in which their own private interest is not deeply concerned, and that where this interest is not involved, the heads of villages give no opinion of their own, but follow implicitly that of these leaders. In imposing new taxes, or in changing a division of produce to a money assessment, it is proper to consult fully with the heads of villages; but in the mere modification of a duty which they have long discharged, or in the curtailing or adding to it, such consultation can only be productive of mischief. It encourages the leading men to suppose that, by holding out and instigating their followers to do the same, they may make terms and obtain some advantage as the price of their

Colonel Munro's Report, 8 Feb. 1817.

their compliance; and it induces them to do this, even where they are not averse to the measure proposed. The Natumkars are not called upon to execute any new duty. It has been already shewn, that they directed the police servants and settled petty suits. The amount of these suits is now defined, which was not the case before, and is so far a novelty, but the innovation is not a serious one. It is not more so than their being placed under the Curnums, formerly their own servants; and their being desired to resume a part of their former power, cannot surely be harder upon them than the loss of it.

26. It may be asked, as was done by the head inhabitants in their meeting with me, what remuneration the Natumkars are to have for discharging the duty of heads of villages. It may be answered, that none was granted by the native Princes, because it was known that the favourable assessment of the Meerassadars ought to enable them to defray the expense of the Natumkars as well as of the Curnums; that the Meerassadars are now more favourably assessed than formerly; that their back yards have been extended and declared rent free, as well as those of their tenants and labourers, which enables them to make better terms with them; that they have been relieved from several heavy extra taxes, which were abolished at the recommendation of Mr. Harris; and among the rest, from the district charges (Naut Chillawn) which, in fusly 1210, when collected at only four instead of fifteen to twenty gold fanams per one hundred cullums, yielded Star Pagodas 23,931 28 44; that they still pay the Natumkar's batta whenever they go to the cutcherry; that they have discontinued the payment of the allowance, only because the duties of the Natumkars are now chiefly executed by the Curnums, and that they are as able as at any former period to pay that allowance, whenever the Natumkars resume their functions as heads of villages.

27. Whether it may be thought expedient to let the Natumkars settle the amount of the allowance with the consent of the other Meerassadars, or to regulate by authority the amount to be paid by the Meerassadars, or for Government to bear the whole, or a part, of the charge itself, may be a subject for consideration on a new settlement, but the discussion of which, at present, might be prejudicial to the public service. As far as such information as could be acquired during a residence of a few weeks enables me to judge, I am inclined to think that the charge ought to be borne by the Meerassadars. It is true, that in other districts it is borne by Government; but there the Ryots have not the same advantages. They are already so fully assessed, as to be unable to contribute to the maintenance of the heads of villages. But in Tanjore, the Meerassadars formerly paid the heads of villages or Natumkars, and their assessment is so favourable that they may still bear this charge, and yet be much more lightly taxed than the Ryots in other provinces. There seems to be no objection to applying towards the defraying this expense any saving which may arise from the new police system; but whatever allowance may be assigned to the Natumkar, it would be advisable that it should be confirmed to him, and that he should be considered as the chief village servant of Government. Besides the useful aid which his acting as Potail would afford to the internal administration of the country, it would also contribute greatly to check those combinations of the Meerassadars, which have so often been complained of by the Collector.

28. Though considerable preparation has been made in Tanjore for the appointment of Potails, it does not appear to me that any real progress has been made: on the contrary, I am satisfied that the difficulty will now be greater than if no previous steps had been taken. This arises from what has already been adverted to the taking the individual opinions of the Natumkars on the measure, and the encouragement thereby given to them, of expecting to obtain favourable terms for their services. If men be left to their own choice in the discharge of their duties, they will, of course, always reject those which are troublesome or disagreeable. The principle sanctioned by the general practice of India should be maintained, that every village must find a head to discharge the duty of executing its public business, in the manner which may be required by Government.

29. From

Colonel Munro's Report, 8 Feb. 1817.

29. From this principle not having been observed in Tanjore, either before or since the passing of the Regulation for the appointment of Potails to do the duty of village Moonsiffs, and from its having been thought necessary, not only after the passing of that Regulation, but even after what is called the appointment of the 4,108 Potails, to consult the Potails, as to their being willing or not to discharge the duty of the office, the introduction of the proposed arrangement has been much retarded. The appointment of the 4,108 Potails consisted merely in the Collector's authorizing that number to be appointed to a similar number of villages, according to lists of villages and Meerassadars to act as Potails, which had been submitted to him by the Tehsildars; but as the option was still offered to the Potails thus appointed, to hold or relinquish the office as they thought proper, the consequence has been, that as far as could be ascertained from the returns of such of the Tehsildars as had made any, the number of those who had declined was much greater than that of those who had agreed to act, and that the system of village Potails is, as far as ever, from being established.

30. After what has been said, it can hardly be necessary for me to deliver it as my opinion, that there is no more difficulty in finding heads of villages in Tanjore than in any other district, and that their not having yet been found has arisen from the Collector's not having taken the steps calculated to insure success to the measure.

I have, &c.

(Signed) THOMAS MUNRO,
First Commissioner.

Tanjore, 8th February 1817.

MEMORANDUM.

Total number of villages in Tanjore is 6,011, of the following description.

Tareppoo, or Sircar villages, including Ardamaniem	4,729
Shrotriam villages	611
Rockagoottagay ditto	53
Nilloogoottagay ditto	18
Paullun ditto	251
Survamaniem ditto	209
	5,871
Villages of his Highness the Rajah	140
	6,011

Deduct villages in which no persons have yet been found answering the description of head inhabitants, as given in Section 3, Regulation IV. of 1816.

Yakabogum villages, in which the Meerassadars have no houses at all	253
Number of villages in which the Meerassadars do not reside, having houses in other villages	249
Total Yakabogum villages	502
Palabogum villages without any person to do the Moonsiff business, the proprietors having been already appointed elsewhere	69
Total villages, in which no persons have been found answering the description of head inhabitants	571
Amany villages belonging to his Highness the Rajah, and church villages belonging to his Highness the Rajah	140
Villages under management, in which Meerassadars are entirely prohibited from having any interference by the proclamation of October 1810	532
Carried over	1,243

Colonel Munro's Report, 8 Feb. 1817.

Brought forward	1,243
Church villages, the churches themselves being the Meerassadars, the villages are managed by the Circar servants	576
Villages belonging to Chattrem and Madoms for which there is no proprietor	34
Villages of mosques	16
Villages belonging to the rajahs, priests, &c. &c. lists are sent to them to appoint people	26
Villages formerly possessed by Cavilgars, and now under Aumany	8
	1,903

The accounts of three talooks shew that one hundred and twenty-four of these villages are without inhabitants, and when the statements from the other six talooks are received, it will probably be found that six hundred of these 1,903 villages are uninhabited, and therefore require no Moonsiffs. The uninhabited villages are cultivated by Paragoodies and others in the neighbourhood.

Total number of villages to which Potails are not appointed	1,903
Villages to which Potails are appointed	4,108
Total number of villages in Tanjore	6,011

This number is exclusive of the one hundred and six villages lately restored to the French, with Karrical.

The Rajah has directed the Curnums of his Highness's villages to attend at the talook cutcherries, to take copies of the police and judicial Regulations of 1816; and the Resident at Tanjore has been requested to furnish information, shewing the fittest person in each village for head inhabitant.

Proposals for renting the church villages have been invited, and about 200 of them are already rented, so that the renters may be nominated head inhabitants.

GENERAL REMARKS.

In those villages where neither renters, permanent managers, nor under-renters, reside, a respectable Kashagoody* or Paragoody might be nominated head inhabitant, and enquiries are now making to ascertain the fittest person in each of such villages. As, however, Section 3 of Regulation IV. of 1816 seems to apply only to renters of land and persons connected with the land revenue, another clause might be added to this section, authorizing the Collector to nominate respectable Kashagoodies head inhabitants in villages, where no persons reside of the description contained in Section 3, Regulation IV. of 1816.

(Signed) ST. J. THACKERAY,
Acting Collector.

REPORT *of* Mr. ST. JOHN THACKERAY,
Dated 10th July 1817.

To the Secretary to Government, Judicial Department.

SIR:

Mr Thackeray's Report, 10 July 1817.

1. I HAVE the honour to acknowledge the receipt of your letter of the 19th ultimo, desiring me to report in what degree the arrangements connected with the introduction of the new system of internal administration have been completed in this district since I took charge of it.

2. Moonsiffs

* The term "kashagoody" applies to those who have nothing to do with cultivation, and are neither Meerassadars, renters, Paragoodies, nor Pullers.

Mr. Thackeray's Report. 10 July 1817.

2. Moonsiffs had been nominated to above four thousand villages, and village Curnums had been furnished with copies of the police and judicial Regulations of the year 1816, before I took charge of the district.

3. Soon after the arrival of Colonel Munro in January last, he received from me two statements,* copies of which I have the honour to submit. These shew that Moonsiffs had been appointed to 4,103 villages; that of the remainder some contain only Paragoodies, Pullers, and Pariahs, and that some are entirely uninhabited.

4. Regulation IV. of 1816 appearing to require that every Moonsiff should reside in his village, and that he should be concerned in the rent or revenue management of it, I suggested the expediency of adding another clause to Section 3, authorizing the Collector to nominate kashagoodies head inhabitants in villages containing no persons of the description referred to in that section. Another clause also seemed requisite, to empower a yekaboghum proprietor, possessing several villages in the vicinity of each other, to perform the duties of Moonsiff in all of them, without being compelled, as he is by the present Regulation, to reside where he acts.

5. No further instructions have been yet received from the Commissioners respecting the villages above alluded to. I have endeavoured, however, to ascertain the fittest persons among the kashagoody inhabitants of each to conduct the duties of Moonsiff, and in renting the pagoda villages: the performance of these duties is made a condition of the rent.

6. It has been shewn, that the introduction of the new system, so far as it depends on the appointment of head inhabitants and the distribution of the new Regulations, has long been completed in by far the greatest part of this district. As, however, the effects of the system seem to depend on the disposition and exertions of the head inhabitants, more than on their appointment to the situations of Moonsiffs, and as they are certainly very unwilling, in this district, to perform the duties imposed on them by the Regulations, it may be proper to state the circumstances which appear to have given rise to their objections.

7. Heads of villages in this province, so far from enjoying allowances similar to those which they appear always to have received in other districts, are required, under Regulation I. of 1816, in common with all other proprietors of lands and houses in the Tanjore district, to contribute towards the maintenance of a police establishment, of which they are expected to be the most efficient members. The funds hitherto allotted for the support of the cavelly system, are by this Regulation declared appropriable to the maintenance of this establishment; and as the success of the new system depends so much on the zeal and exertions of heads of villages, I venture to submit the expediency of placing the head Meerassadars in Tanjore somewhat more on an equality with those in other districts; either by relieving them from contributing to the support of the police establishment, or by granting them allowances equivalent to what they contribute. Such a remuneration for their services, so far from being a concession of any right of Government, would be merely an appropriation of part of the cavil funds to the purpose noticed in Section 2, Regulation I. of 1816.

8. The justice and policy of the measure which I now venture to suggest has long appeared evident to me. I should, however, have remained silent on the subject, until the return of the Collector, did it not appear to be materially connected with the success of the system, respecting which I have been desired to report.

I have, &c.

(Signed) ST. J. THACKERAY,
Acting Collector.

Cutcherry of the Collector of Tanjore, 10th July 1817.

REMARKS

* One is at the end of Colonel Munro's report of 8th February 1817, and the other at the end of this.

REMARKS respecting those Villages in Tanjore, in which no person has been yet appointed to conduct the duties of Village Moonsiff or Head Inhabitant.

Aumany villages,.. 532

Mr. Thackeray's Report, 10 July 1817.

A few of these villages have been in aumany since fusily 1210, but most of them only since fusily 1225, in consequence of the Meerassadars having refused to agree to proper terms of rent. Their object and interest is to conceal and depreciate the resources of the villages, and the proclamation of 1810 was intended to prevent their interference; as, therefore, they have nothing to do with the concerns of the village, Paragoodies or Kashagoodies might probably be found to do the Moonsiff business.

Church villages..	576
Chetram and Matram villages..........................	34
Mosque villages..	16
	626

These six hundred and twenty-six villages may be classed together. Those that are rented to resident renters can be superintended by them, and this superintendence may be made a condition of the pottah in those villages that are not yet settled. In such of the church villages as are already settled, and are without either a resident renter, a permanent manager, or an under-renter, the fittest person in the village may be nominated by the Collector. Preference should be given to a respectable meerassi Paragoody, where there is one.

Villages belonging to priests, &c. of the Rajah......... 26

Many of the proprietors of these villages are singers in the Rajah's palace, and their occupation, in some instances, disqualify them for Moonsiff business. As, however, there are many more individuals than villages, they must either find twenty-six persons of their number, or must point out managers or under-renters to act for them.

Cavilgars' villages in aumany.................................... 8

These have been in aumany since fusily 1223, and remain so until their resources, &c. are fully ascertained. There are Meerassadars in all of them; but as there is the same objection to appointing them Moonsiffs as in the other five hundred and thirty-three villages, Paragoodies and Kashagoodies are the only persons to whom the duty can be entrusted.

The Cavilgars who formerly possessed these villages have no meerassy right in them.

Yakabogam villages, in which the Meerassadars have no houses,	253
And in which they have houses but do not reside	249
Polabogam villages, the proprietors of which are already appointed to other villages..	69
	571

The same difficulty occurs in these three description of villages.

Where no Meerassadar, permanent manager, or under-renter resides, the fittest person in each village must be appointed by the Collector, preference being given to a meerassy Paragoody where there is one.

Where, from the proximity of several villages belonging to one person, this person may be able to superintend all of them, a clause should be added to Section 3, Regulation IV. making it unnecessary, in such cases, for the Moonsiff to reside where he acts.

In

Mr. Thackeray's Report, 10 July 1817.

In villages, the population of which consists only of weavers or other manufacturers, and Paragoodies not meerassy Collectors, probably the most respectable among the former, might do the Moonsiff business.

In villages where Paragoodies and Pariahs are the only inhabitants, one of the former could do the duty.

The Resident has been requested to furnish information respecting the Rajah's one hundred and forty villages, and his Highness has sent Curnums to the talook cutcherries to take copies of the new Regulations.

(Signed) St. J. THACKERAY,
Acting Collector.

REPORT of COMMISSIONERS,
Dated the 18th September 1817.

To the Chief Secretary to the Government, Fort St. George.

Report of Judicial Commissioners, 18 Sept. 1817.

Sir:

1. We have the honour to acknowledge the receipt of Mr. Secretary Hill's letter of the 19th July, with copies of his letter of the 19th June to the acting Collector of Tanjore, and of that officer's answer.

2. The acting Collector states, that two things are wanting, in order to render the village Moonsiff system in any degree efficient in Tanjore. The first is an extension of the provisions of Regulation IV. 1816, so as to authorize Collectors to nominate, in certain cases, the proprietors of villages, though non-resident, to act as head inhabitants of such villages, and to appoint, in villages where there is no head inhabitant connected with agriculture, a Kashagoodee to act in that capacity. The second is the exemption of the head inhabitants of villages from contributing to the police establishment.

3. The subject of non-resident head inhabitants, and of the exemption of head inhabitants from contributing to the police fund, was brought to the notice of Government by the First Commissioner, in his report of the 8th February last. In that report it was proposed, that in the event of its appearing to the Right Honourable the Governor in Council that non-resident head inhabitants could not act under Regulation IV. 1816, that a supplementary Regulation, empowering them to act, should be framed. As the case of several small villages being the property of one person, who cannot afford to employ a deputy in those in which he does not reside, is found in Malabar and some other districts, as well as Tanjore, and as two or more villages, having no general proprietor, are in some districts, on account either of their local situation, their smallness, or some other cause, frequently united under one headman, and as doubts may be entertained as to his competency, under the existing Regulations, to act as head of any village, except of that in which he actually resides; we beg leave to recommend, that the Commission be directed to prepare a supplementary Regulation, to remove the present difficulties respecting non-resident heads of villages, and to provide in general for whatever may be necessary, in order to render the village system more compleat.

4. We would also recommend, that the Tanjore heads of villages be exempted from the house-tax imposed for the police establishment; and should any other house-tax exist, from it likewise. The value of the exemption, in a pecuniary view, is insignificant, but as a mark of distinction considerable importance is attached to it by the natives; and as it is allowed in other districts, we think they ought to be extended to the heads of villages in Tanjore.

5. The heads of villages in Tanjore should, we think, be placed on the same footing, with regard to allowances, as those of Coimbatore; but before the measure is carried into effect, it will be advisable to ascertain what the amount is of the remission of taxes which has already been granted to the heads of villages

Report of Judicial Commissioners, 18 Sept. 1817.

villages and other Meerassadars of Tanjore, since the commencement of the Company's Government, under the heads specified in the First Commissioner's report, as well as any other heads not included in that report. The Collector might be directed to prepare statements of the amount of these remissions, and likewise of the amount of allowances formerly received, under the Rajah's government, by the Nattamkar or head of the village from the Meerassadars. These statements would show whether the heads of villages of Tanjore do not actually enjoy remissions equivalent to the allowances granted to those in Coimbatore; or if they do not, whether the deficiency ought to be made up by an assessment on the Meerassadars or by Government.

6. As the allowances paid to the heads of villages by the Meerassadars have been very generally either lessened or discontinued, since the transfer of Tanjore to the Company, the best way of discovering what the amount of them formerly was would be by making the heads of villages understand that it would be used as a standard in regulating their future allowances.

7. We would recommend that the house-tax on the heads of villages in Tanjore be immediately abolished, and that whatever official allowance it may hereafter be deemed proper to grant to them be given in land, wherever land can be found for that purpose, and where there is no land at the disposal of Government, by a remission of rent.

We have, &c.

(Signed) THO^{s}. MUNRO,
First Commissioner.

GEO. STRATTON,
Second Commissioner.

Madras, 18th September 1817.

Ordered, in consequence, That the following letters be dispatched to the Collector and Magistrate of Tanjore, and to the Commission for revising the Judicial system.

To the Collector and Magistrate, Tanjore.

Sir:

1. I am directed by the Right Honourable the Governor in Council to transmit to you the accompanying copy of a letter from the Commission for the revision of the Judicial system, with a copy of the twenty-sixth and twenty-seventh paragraphs of the report therein alluded to.

2. The Commission have been desired to frame the draft of the supplementary Regulation regarding heads of villages, which they consider necessary.

3. You will take for your guidance the suggestions contained in the letter from the Commission, relieving the heads of villages from the police-tax and from any other house-tax to which they may be liable, and ascertaining the amount of all sorts of remission, of impost or other advantage which they at present enjoy, compared with the advantages which they may have enjoyed under the Rajah's government. The relief from house-taxes is to be granted immediately, and you will report how much it amounts to, both in the aggregate, and on an average, to the individual head of villages. The other points of information required, you will ascertain with as much accuracy and expedition as may be practicable, and will submit them to the Governor in Council.

I have, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George, 14 October 1817.

REPORT

REPORT *of* Mr. J. HEPBURN, COLLECTOR *and* MAGISTRATE *of* TANJORE,

Dated the 8th November 1817.

To the Chief Secretary to Government, Fort St. George.

SIR:

1. I had the honour to receive the letter of the Secretary to Government of the 14th on the 27th October, enclosing copy of a letter for the revision of the Judicial system, together with an extract of the twenty-sixth and twenty-seventh paragraphs of a report from the First Commissioner, of the 8th February last, upon the state of Tanjore; informing me, at the same time, that the Commission had been directed to prepare a supplementary Regulation, providing for certain cases that have occurred here, to which the former one does not apply, and directing me to take the suggestions contained in that letter for my guidance, relieving the heads of villages appointed Moonsiffs from the police-tax, or from any other house-tax to which they may be liable, and to ascertain and report the amount of all sorts of remissions and imposts, or other advantages which they at present enjoy, compared to those which they did enjoy under the Rajah's government, together with certain other points of information, which I am directed to submit, for the consideration of Government, with the least practicable delay. Mr. Hepburn's Report, 8 Nov. 1817.

2. Before entering upon the subject of the above letter, I will, with permission, avail myself of the present opportunity of acknowledging the receipt of the former letter from the Secretary to Government in the Revenue department, of the 5th July last, ordering me to return to my station in Tanjore, and conveying the expression of the disapprobation of the Right Honourable the Governor in Council at the style and tenour of my correspondence with the Commission, which had created an impression in their minds of disinclination in me to give them that support, in my capacity of Collector, so urgently prescribed in the orders of the Court of Directors.

3. In respect to the style of my correspondence, it having been pronounced exceptionable, I have to express my sincere regret that there should have been grounds (which assuredly never was intended) for such an opinion; and still more so, that I should never till now have had an opportunity given me of publicly recording that regret, which I certainly should not have hesitated a moment to do, as soon as I had been made aware of my error. I trust I can, with confidence, appeal to a service of twenty years, in proof that pertinacity in error forms no part of my public character; and I should certainly have willingly seized any occasion that had been given me of shewing that it constituted no part of it now, by making such reparation as was then in my power, if either the Government or the Commission had, in any way, pointed out to me the error into which I had fallen. This ordinary indulgence, however, I am sorry to say, was not observed towards me, and I have, in consequence, been so unfortunate as to have laboured for a long time under the effects, without being made publicly acquainted with the course of the displeasure of Government. This I have the more reason to regret, as the principal complaint of the Commission against me originated in a misapprehension of circumstances, into which it was easy and natural for me to fall, and which was both capable and easy of explanation. The Commission have acknowledged themselves that this part of the question arose entirely from a mistake of their own, in addressing to me a letter intended for another person, and, as it happened, of such a nature, that had the deepest art been employed to mislead me, it could not have more completely succeeded. I would beg to submit, therefore, whether in candour, when it was quite evident I was deceived, the whole consequences of their mistake shall fall upon me, after they, by recalling their letter, had acknowledged it, and at the same time withdrawn themselves from all the responsibility of it.

4. In what terms the Commission may have represented their impression of my disinclination to afford them the expected support, or upon what grounds that impression was founded, I have not been officially informed, never having been

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been furnished with any of their communications with Government upon this subject. As this is, however, the only opportunity I shall ever have of affording any explanation to our Honourable Employers, before whom the whole of the statements of the Commission will appear, and as the anxiety of the Honourable Court to introduce the new system may, without such explanation, bring down upon me their displeasure, I trust that the attempt to remove so serious an imputation upon my public conduct, and to do away, if possible, the unfavourable impression under which the Government have passed so heavy a censure upon me, will be excused in an officer of my rank and length of service, who has ever been anxious to discharge his duty with zeal and fidelity. Notwithstanding the disadvantages, therefore, under which I shall labour, from not having the contents of the Commissioners' report before me, I still trust that the Government will be pleased to receive with their accustomed liberality the few following facts, founded prrincipally upon dates which cannot be overturned.

5. The representation of the Commission of a want of support from me, can only, I apprehend, apply to the period subsequent to the receipt of the new Regulations, as previous to that time they had required the performance of no one act from me, excepting to furnish them with a few statements, which, I have reason to think, I was one of the first to do. The principal of these Regulations, three in number, were received in the month of August, with instructions to furnish a copy of them to the head inhabitants of every village in the district. No time was lost in immediately commencing this undertaking; but as the whole system, and the duties to be performed under it, were new to the persons who were to fill the office of Moonsiff, it appeared to me that the selections could not be began upon with effect, until the nature of their new duties was generally known to the future Moonsiffs. In fact, my knowledge of the disposition of the people convinced me, that to have made the nominations at once, before the system was understood, would at once have produced its entire failure.

6. The labour, therefore, of introducing the system here, compared with any other district, became extraordinary. The Regulations, as they then stood, being considered applicable to about six hundred villages only, it became necessary for the Collector to appoint Moonsiffs for as many of the remaining five thousand villages as the system could in any way be extended to. In consequence of a representation from the Commission of a want of support from me, dated *in September*, one month only after the receipt of these three long and intricate Regulations, I was in October ordered to Madras, for the purpose of having a personal interview with the Right Honourable the Governor. Before the end of November, however, and before I was relieved in the charge of my office, above four thousand Moonsiffs were selected and appointed by me, comprehending every instance to which the Regulations could apply, and copies of the Regulations furnished them. This fact is confirmed by Mr. Thackeray, in his letter to Government of the 1st July last. The system was from that time, in fact, introduced, and only required to be put in motion. It is within my knowledge, that its introduction was completed here, as far as depended upon me, much before any of the neighbouring districts, although the labour was beyond comparison greater, because the officers, as well as the office, was to be created.

7. I hope I may be permitted earnestly, therefore, to solicit Government to do me the justice to call upon the Collectors of the adjacent southern districts, to know how many Moonsiffs they had appointed by the end of November last, in order that the Right Honourable the Governor in Council may judge what foundation the Commission had for the impression stated to be left on their minds *in September*, of my disinclination, in particular, to give them the support required of me as Collector. That the persons selected by me were those contemplated by the Regulation, I have every reason to believe has been admitted; indeed, none other have been proposed. In every practicable instance, the principal landed proprietor in the village was chosen as its head; and I am informed by the Sherishtadar of this cutcherry, that when he, by order of the assistant in charge, waited upon Colonel Munro (who left Madras on the day of my arrival at it for this district), to explain to him the principle upon which

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which the selection had been made, he expressed himself satisfied with it, stating that these were undoubtedly the persons in view in the Regulation for the office; at the same time, he regretted that the Regulation had been strictly adhered to with respect to some other villages, which he said was not intended by the Commission. For what happened in my absence, I humbly apprehend I cannot be responsible. I was called away from my station before an opportunity had been given me of settling the system I had introduced into motion. Whether I should have succeeded better under the Regulation, as it then stood, than Colonel Munro did, I pretend not to say. I would only submit, that a proposition from the Commission of the necessity of an amended Regulation, and of placing the Meerassadars of Tanjore appointed Moonsiffs, upon the same footing as the Potails of other provinces made Moonsiffs, shews that the circumstances of this district were peculiar, and that my representations of them were correct. How far the difficulties attending them, and whether the space of one month, within which the impression of my disinclination of affording them due support had been created in the minds of the Commission, was sufficient to overcome all the difficulties I had to contend with, I humbly leave to the consideration of Government, earnestly begging that their opinion of my conduct may be judged of with reference to that of others, similarly situated with myself.

8. In reply to Mr. Hill's last letter, inclosing the several communications of the Commission, I have the honour to state, that observing, on my return to my station, the assistant Collector in charge had reported, in his letter of the 1st July, to Government, that the introduction of the new system, as far as depended upon the selection of one inhabitant in each village to perform the duties of Moonsiffs or head inhabitants, and the distribution of the new Regulations had been completed by me, in by far the greater part of the district (wherever the Regulation was applicable), before I left it last year, but that, from the unwillingness of the people to undertake the duties of the office without remuneration, the system had made little or no progress during my absence; and as I certainly found that nothing had been done, and that matters remained exactly in the same state in which I had left them nearly a year before, it has therefore been the principal and most earnest object of my attention and study, since my return, to ascertain the most eligible mode by which their scruples could be overcome. The assemblage of all the principal landholders of the country at the dussarah feast, a few days ago, offered an eligible opportunity, by personal intercourse, of using all the influence I might possess over them, to induce one Meerassadar in each village to undertake willingly the execution of the new duties assigned to them as Moonsiffs under the new system; and although they are stated to have previously declined to perform any of the duties expected from them, I am happy to be able now to report, that they readily promised me to meet the wishes of Government, upon the condition only of receiving some remuneration for the time and trouble their new office must entail upon them. This demand, on their part, appeared so reasonable, that knowing the difference of situation between the Meerassadars of Tanjore and Potails and Monigars of many of the other provinces, a report of my proceedings upon this subject was already in preparation for the information of Government, when the arrival of Mr. Hill's letter, by requiring information upon points which it would not have embraced, has caused its suspension till the necessary documents are prepared. In the mean time, no impediments to the execution of the system exist on the part of the inhabitants selected for the office of Moonsiff, and the example of the principal landholders has been so generally followed, that the other Meerassadars have already, almost every where, consented likewise to act as Moonsiffs; and I trust, as the system is now set in motion, that the Moonsiffs here will prove not less efficient than those in the other provinces.

9. As I find, from the enclosures in the letter received, that I have already been anticipated by the First Commissioner in the proposals of placing the inhabitants of Tanjore, who have been selected for the office of Moonsiffs, upon the same footing as the Potails already existing in other districts, I trust the greatest difficulty in effecting the desired arrangement is now removed. The admission of this necessity, on the part of the Commission, tends greatly to facilitate

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facilitate and reconcile the whole subject, as what formerly was principally contended for was, that the situation of the Meerassadars here is very different from that of Potails of other districts, and that in Tanjore they enjoyed no immunities in land or money, in return for which the Government could demand the performance of police and judicial duties. This position seems now to be confirmed by the First Commissioner's letter.

10. A proposition to recommend an exemption from the house-tax to the person officiating as Moonsiff, was made by me to the Meerassadars, previous to the receipt of the letter of the Commissioner to the same effect; and although I found that the distinction which this exemption would confer was fully appreciated, it will not, however, be considered by them a full compensation for the time (here particularly valuable to a cultivator) and trouble they will be required to dedicate to their new office. The amount, in a pecuniary point of view, is the merest trifle (a double fanam a year only, individually, for the best description of tiled houses in the district), and there are no other police taxes paid directly by them; the remainder of the police funds consisting of a certain portion of the gross produce, as will be more fully explained on a future occasion.

11. An equalization being recommended by the Commission between the remuneration to the Meerassadar here and the Monigars of Coimbatore, I shall apply, with the permission of Government, to the Collector of Coimbatore for information on this subject, in order to facilitate the execution of the wishes of the Commission.

12. Having been formerly an assistant Collector, and for some time in charge of Coimbatore, I possess a pretty good general knowledge of the subject; and, as far as my recollection serves me, the mode of revenue management there, unless since changed, is nearly the same as that of the Ceded Districts. In Coimbatore the lands assigned to the Gouds (for the word Potail is not used in Coimbatore) were assumed by Major Macleod, and an allowance made in money to the person appointed to collect the revenue of the village, who has been generally called Monigar, and is a head inhabitant.

13. In the district of Sattanaid, a part of the Carnatic into which, so long ago as 1803, I introduced the ryotwar plan, as laid down by Colonels Read and Munro, I took away the mauniums the inhabitants enjoyed conjointly, and selected one person to be Putta-monigar, who was to be allowed a percentage on the collection.

14. The Potail, it would appear, is an officer of some standing in the Ceded Districts, and that he held lands; but these lands are held in share by the relations of the Potail, and that Colonel Munro did not resume these lands. He estimates their value, and those assigned to the Curnums, to exceed two lacs of pagodas annually.

15. In Tanjore no such office as that of Potail, Monigar, or Putta-monigar, existed, and of course no remuneration for the inhabitants called upon to perform the office of Moonsiff. The Curnum, of late years, has collected the revenue, and formerly it was done by a Sircar officer; but the whole Curnum establishment of all the district amounts to no more than twenty thousand pagodas a year, and the inhabitants have nothing.

16. These great distinctions could not be unknown to me, who have been employed in so many different districts, and I trust this brief explanation will not be considered intrusive. Persons have been selected in Tanjore to fill the office of Moonsiff: they have undertaken the duties, and Government have consented to remunerate their services. Thus all difficulties are removed; and I should hope much, if not all the blame imputed to me by the Commission for disinclination to introduce the system.

I have the honour to be, &c.

(Signed) J. HEPBURN,
Collector and Magistrate.

Cutcherry of the Collector of Tanjore,
8th November 1817.

The President intimates to the Board his intention of recording his sentiments on the foregoing letter at a future period, the further consideration of the letter is therefore deferred.

REPORT *of* COLONEL MUNRO,
Dated the 26th May 1817.

To the Chief Secretary to Government, Fort St. George.

SIR :

AFTER my report from Tanjore, dated the 8th February, I proceeded to Trichinopoly, Madura, Dindigul, Coimbatore, Malabar, and Canara. The purposes to which my inquiries in these provinces were chiefly directed, were, to ascertain the condition of the village servants, but more particularly that of the heads of villages; whether heads of villages existed in all districts, and if they did not, how the want of them was to be supplied; whether, in those districts where they did not exercise the powers usually vested in Potails, their authority had been thus limited under the Company's Government only, or had always been so under their own native rulers; whether the authority which they enjoyed under those rulers was not, in a great measure, similar to that which has been conferred upon them by the late Regulations; and whether the new system is, in general, acceptable to the great body of the people, or not. Colonel Munro's Report, 26 May 1817.

2. As it was most likely that both the heads of villages and the inhabitants would prefer that form of village administration to which they had been long accustomed, and under which their ancestors had lived, it became necessary that I should examine rather what it had been under the native princes, than what it was under the Company's Government. Such an investigation, to be well made, must be made by the Collector, having at his command every channel of information, and must be leisurely conducted. The shortness of my stay, which was never more than from ten days to a month in any one province, did not admit of my making so full and accurate an inquiry as might have been wished, and though the information in this report must therefore be defective in many instances, I am persuaded that it is sufficiently correct in all the main points of the ancient village system, which are those which are most essential to be known, because the knowledge of them will show whether the new system is a complete innovation unknown to the old institutions of the country, or merely a restoration of the ancient village system, with such modifications as were requisite, in order to render it more efficient and uniform.

3. It was impossible to prosecute the inquiries in which I was engaged, without being constantly interrupted by representations of grievances, real or imaginary. Such of them as seem deserving of any attention I shall state hereafter, as well as what I have to say regarding Malabar and Canara, and confine the present report to Trichinopoly, Madura, Dindigul, and Coimbatore.

4. In these provinces I found prevailing every where the same general system of the village affairs being directed by a head cultivator, either Bramin or Sudra. This man, however denominated, was in fact the Potail, and the authority which he exercised in different districts so much the same, that the account of one district might answer for all the rest. But as his allowances and privileges varied considerably in different districts, it may be necessary to state separately, though at the expense of a good deal of repetition, what his situation was in each particular district.

5 In Trichinopoly, under the Hindoo Government, the denominations and privileges of the heads of villages varied in the wet, the dry, and the Poligar districts. In the wet, forming by far the most considerable part of the collectorate, the villages possessed by Bramins were called *agrahar*, and those possessed by Ryots *pandrawadda*. In the Bramin villages, the headman was called sometimes the *Gramni*, but commonly the *Prowurtak*: in the Ryot or Sudra villages, the headman was called *Gour* or *Natumkar;* different terms, but expressing the same thing, the headman, head villager, or manager.

6. The functions of the heads of villages, whether Bramin or Ryot, were the same: they discharged all the duties usually exercised by Potails in revenue and police matters, and in settling petty suits. The village servants were under the head of the village, not under the other Meerassadars or Ryots. In private or extra assessments, and other matters regarding the general interests of the

Colonel Munro's Report, 26 May 1817.

the village, the head consulted the other Meerassadars. In orders from the Sirkar, not of general interest, he did not consult them, and either acted alone or in conjunction with the Monigar, or other Sirkar officer. In trifling disputes about water, application was made, in the first instance, to the head of the village, who settled them with the Monigar. In cases of petty debts, the parties applied to the head of the village; and if not satisfied with his decision, went in succession to the Monigar and Tehsildar.

7. The Monigar, who is so often mentioned in conjunction with the head of the village, was a petty officer, appointed and dismissed at pleasure by the Tehsildar. In Trichinopoly his jurisdiction was usually limited to one large, or two or three small villages. He superintended the cultivation, the reaping and selling of the Sirkar grain and the collections, and he also took cognizance of petty offences and suits, with the aid or through the mediation of the head of the village. He was, however, little more than a kind of head Peon. His pay was only four or five rupees a month; and though, as a Sirkar servant, he was obeyed, he was never respected like the head of the village, and when complained of by him he was generally removed by the Tehsildar. The Monigar, therefore, though nominally placed in authority over the head of the village, seldom did any thing without his concurrence, and was in reality usually directed by him.

8. The heads of villages, as a compensation for the duties they discharged, enjoyed an allowance of grain or of land rent-free (monjem), or of both. The allowance in grain was confined to the Bramin villages, which however formed more than four-fifths of the province, and was originally granted by the Naiques of Trichinopoly: it amounted to from twenty to two hundred kollums, according to the produce of the village. It was given from the Sirkar share. It is stated by the inhabitants, but I do not know that their testimony is supported by any sufficient document, that under the Hindoo government the Sirkar share of the produce in the villages belonging to Bramins was only one-sixth at first, but afterwards raised to one-fourth, and in those belonging to Sudras or Ryots one-third; that many of the Sudra villages were purchased by successive Rajahs and given to Bramins, on condition of their paying one-fourth of the produce as rent, and that these shares were continued until the country fell into the hands of the Nabob of the Carnatic, when they were altered. In Agrahars, where there was no monyem, the head man was allowed a remission in his rent of six or seven per cent.: he paid only one-fifth of the produce, while the other Meerassadars paid one-fourth of the produce of their respective lands to Government. In the Sudra villages, the head of the village had service land, which was usually called gour or ambub monyem. In the Bramin villages, the monyem of the head man was resumed by the Nabob, who continued the allowance in grain which had been granted by the Naiques; but it was so frequently reduced in amount, or withheld altogether, that it could not be considered as a fixed remuneration. In the dry villages, the monyems were continued to their heads, as under the Hindoo government, and the heads of all villages continued to discharge nearly the same duties, with the same authority, as under their ancient Sovereigns, until the transfer of the province to the Company. Though in the Bramin villages the monyem held by the head man was originally granted, under the term of brim wast or agrahar, to all the Bramins of the agrahar, with a larger share to him, yet it was usual for him to enjoy the whole, except in villages where dissensions prevailed, when the other Bramins claimed their respective shares. In the Sudra villages the monyem was exclusively enjoyed by the Gour or head man.

9. The right claimed by the Tanjore Meerassadars of removing and appointing the Nattamear or head of the village, does not exist in Trichinopoly in the Sudra villages. He was there always considered as hereditary, though liable to removal by Government. His removal was usually the consequence of incapacity: a more able Meerassadar was associated with him, and gradually allowed to supplant him. In the Bramin villages, if the head was unfit the Meerassadars represented it, and proposed another to fill the office, who was confirmed by the Sirkar. The custom of allowing to the Bramins a privilege denied to the Ryots, of interfering in the nomination of the head of the village, seems to have arisen from respect to their caste, and also from the greater equality

Colonel Munro's Report, 25 May 1817.

equality and consequent insubordination among them than in other castes, producing frequent feuds and opposition to their head, which could only be remedied by his removal.

10. In Torriore, Arrialore, and Wuddiarpollum, pollams depending on Trichinopoly, the condition of the heads of villages differed considerably from what it was in the Sirkar districts. They were in those pollams distinguished by the appellations of Gour, Nattar, Reddi, Nainar, according to the caste to which they belonged, or by the general term of karikar or manager. Their duties were the same as in the Sirkar villages. They had no service land (manium), but from a remission of five per cent. allowed to all the Ryots, they had a larger portion, and in some villages the whole, and they received batta from the other Meerassadars whenever they left the village on public business. They were removed by the Sirkar or the Poligar when they did not agree to the rent, and for other causes, and other persons appointed. In some villages of the Wolkonda jaghire the Nattars or heads claimed and still claim the superiority, and the right of selling all lands in them; but there is no evidence of their ever having sold any, except their own garden and wet lands.

11. In these pollams the Curnum in a few villages had service land; in the rest he was paid by fees in kind, or by a share of an assessment made for the general expenses of the village. He was, when paid in this manner, called the Curnum of the Ryots, and could be dismissed by them from his office.

12. The land in the districts of Trichinopoly is private property, and is hereditary, and transferrable by gift or sale, in every respect as in Tanjore. In some of the villages of the pollams the land, both wet and dry, is held in shares and sold as private property, as in Trichinopoly. In others, no land is sold, or considered as being private property, excepting garden, which is every where reckoned private property when it is planted with trees; because, were it otherwise, no individual would go to the expense of digging wells or tanks for watering it.

13. The tenures of land, as well as the privileges and duties of heads of villages, have much more diversity in the pollams than in the Sirkar districts of Trichinopoly. It would be a waste of time, and would be of no use, even if it were possible, to shew the origin of each particular variation. The details already given are sufficient to shew, that in the collectorate of Trichinopoly a system has always prevailed throughout all the districts of which it is composed, of managing the internal affairs of each village through the agency of one of its head Ryots or landholders. That this system, however it may differ in minute points from the potail one, agrees with it in the main point of having a head to each village, and that there is therefore no cause for believing that any difficulty will be met with in constituting these head men potails, and empowering them to act as such. Could I ever have entertained any doubt upon this subject, it would have been removed, by finding, on my arrival at Trichinopoly, that the Collector had already established the system over all his district. His conduct is entitled to great praise. He disapproved of the measure: he delivered his sentiments freely upon it, and stated many objections against it; but on being told that, notwithstanding these objections it was to be carried into effect, he began immediately and zealously, and soon completed the arrangement.

14. The principal divisions of which the present collectorate of Madura is composed, are Madura, the zemindarries of Shevagungah and Ramnad, and the district of Dindigul. Dindigul had long been in the possession of the Mysore Rajahs before it was ceded to us by Tippoo Sultan: the other districts were obtained from the Nabob of the Carnatic. But in all these districts, whether under the Carnatic or Mysore princes, the same general village system prevailed. The villages were then, and still are, under the immediate management of their own potails or head-men. As the authority and privileges of the head-men was not exactly similar every where, I shall state shortly what they *were* in the principal divisions of the collectorate.

15. In the district of Madura, the head-man was known in the Bramin villages by the appellation of Prowartah, and in the Sudra villages by that of Natumkar.

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Natumkar. Each village had one, two, three, or four head-men, either in consequence of its less or greater extent, or of some old division of the family holding the office.

16. The head-man settled petty affrays and disputes, and punished in trivial cases. He had the immediate direction of the village police, and when the Talliar was remiss in the apprehension of thieves, he sometimes levied a fine from him, equal to the amount of his monyem or allowance from the village. He settled petty suits, either himself or by means of punchayet, or referred them to the Tehsildar. But the Tehsildar usually sent back such cases to him, and directed the heads of three or four of the neighbouring villages to join him in settling them. In wet villages he had the distribution of the water, and with the village Curnum under the Monigar, and his Curnum, called the the Sumpurti, directed the cultivation, reaping, and division, &c. of the crops. In the dry villages he collected the rent: the Moniagar and his Curnum had nothing to do with it.

17. The allowances enjoyed by the head of the village were a monyem or service-land, a share of the (mara) fees in grain allotted to the village servants, amounting to from one-twentieth, to one-tenth of the whole batta whenever he left the village on public business for more than a day, and a turban or cloth of the value of three or four rupees, as an honorary donation at the annual settlement.

18. The head-man in all villages, whether belonging to Bramins or Sudras, held his office by inheritance. The Meerassadars or landholders could neither appoint or remove him. If he was oppressive and a complaint was preferred against him he was fined, and sometimes punished, but not removed.

19. The village Curnum is called the Naut Curnum. He has official land and fees; he cannot be removed by the Ryots. His office is hereditary.

20. The above summary is sufficient to prove that the heads of villages in Madura discharged, under the Hindoo and Mahomedan government, all the duties, and possessed all the authority usually entrusted to Potails; and what follows will show, that in some other districts they enjoyed still more.

21. Shevagunga is the next district, in which it appears necessary to describe the condition of the heads of villages. There will be no occasion to give a separate account of it for Ramnad. What is said of Shevagunga will apply equally to that district, because both districts formed only one Rajahship until about eighty years ago, when it was divided, and rather more than two-fifths of the whole went to Shishavwina Tawer, to form the new zemindarry of Shevagunga, the Rajah of Ramnad, Curta Tawyer, retaining the rest.

22. In the Sudra villages the head-man is called Nautumkar, but much more commonly Ambulgar. In the Bramin villages he is called Prowurtak; but when a Brahmin happens to be the head of a Sudra village he is called the Mahajen.

23. There are one or two head-men not only to each head village (cusbah), but also to each inferior one (meyrah). The head-men of the inferior are sometimes the relations of the head-men of the superior village, and sometimes not, but they are always under their orders, as are also the village servants. The head of the village collected the rents in conjunction with the Monigar. In cases of theft he informed the Monigar, and when the amount was not considerable they punished. If it was trifling, he acted himself without the Monigar. In small debts, where the parties were willing, he settled the suit by a punchayet in the village, and its decision was held good by the Sirkar.

24. The head of the village had service land, and in the wet villages he had mara. In all villages one-tenth of the land cultivated was deducted from the annual settlement, and the Sirkar rent of this land was given to him and the Curnum, in equal portions.

25. The head of the village was punished for misconduct, but not removed: he held his office by inheritance. The land was not the private property of the Ryots, as in the Sirkar villages of Madura, nor of the Poligar, as in the Pollams, but of the head of the village and his descendants, and of such strangers as

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as had purchased from them. The Poligar could not grant land as monyem without purchasing it from the head of the village, nor could new settlers occupy waste land without buying it. If they went away after a few years, they received back the price. The advantage the head-man derived from their temporary residence was the increase made by their extra cultivation to his allowance of ten per cent. upon the whole, which, as has already been observed, was relinquished to him and the Curnum. From his own share of half, or five per cent., he remitted a part to those Ryots, who were either his immediate or presumptive heirs, but not to the rest. His claim to all lands in the village, as the original proprietor, before they were alienated by inheritance and division among different branches of the family and by sale, is at variance with Mr. Lushington's report of the 30th September 1802, in which he says, that in Ramnad there are no proprietory rights but the Ranis; and this opinion seems to be supported by the conduct of the present Poligar of Shevagunga, who is now contesting the claims of the heads of villages. They assert that he wants to seize a part of their monyems and allowances, in order to discharge his peshcush; that he has prevented the Curnums from making out a statement of them for the Commission, because they and the Curnums will not consent to insert only a part of them, which would give him a plea, under their own hands, for resuming the rest.

26. Village Curnums are a very ancient institution in Shevagunga. There was sometimes one or two to one village, and sometimes only one to two or three villages where the Curnum could not attend in person, his business was done by a deputy. The Curnum had the same extent of service-land as the head of the village, and the same allowance of five per cent. on the amount of the settlement. His office was hereditary.

27. In Dindigul, though the state of landed property was widely different from what it was in Madura, yet the system of village administration was so nearly alike in both provinces, that what is now to be said on this subject with regard to Dindigul, will be little more than a repetition of the observations already made upon it in speaking of Madura. During the long period that Dindigul was under the Naik of Madura, and the Rajahs of Mysore and their Mahomedan successors, no material change appears to have been made in the internal management of the villages. About thirty of the whole number were granted in early times to Bramins rent-free (survamanium), but a quit-rent was afterwards imposed upon them by the Mysore Rajahs: all the rest were called Sirkar villages, with the exception of those which belonged to the different Poligars.

28. In the Sirkar villages the head-man was distinguished by the appellation of Natumkar, so general in all the southern provinces. Each village had one or more Natumkars, according to its revenue, extent, or the number of inferior villages under the principal one; but the Natumkars of the principal had authority over those of the inferior villages, and over all village servants. They had service-lands, but these lands having been resumed in some inferior villages (mujrahs) which had become desolate, were not restored on their being repeopled.

29. The Natumkar of the inferior village collected the rent of it, and carried the amount to the Natumkar of the principal village, by whom it was remitted, with the rent of his own, to the cutcherry. The Monigar, who had the general superintendence under the Tehsildar of one or more villages, could not interfere with the collections. The Natumkar had the charge of the village police, and exercised all the authority usually vested in Potails: he held his office by inheritance.

30. There are Curnums to every village, and in all, whether Sirkar or agrahar, they have always had service-lands and been hereditary.

31. The police duties were discharged not only by the Talliars, but by the Totties, Tundkars Chumbars: all had service-lands. In many villages the Talliar was the servant of the Kawvilkar as well as of the Natumkar, but all the other village servants were exclusively under the Natumkar.

32. In

Colonel Munro's Report, 26 May 1817.

32. In Dindigul the land was the property of the Sirkar, with the exception of what had been alienated for the support of the village servants, religious establishments, and other objects. The Ryots never held their lands as private property (merasi). The Natumkars assert that the land was never, under any former government, Mahomedan or Hindoo, regarded as private, but always as Sirkar property. In the pollams, too, the Ryots had no property in the land. Each Poligar was the sole proprietor in his own pollam, because he was in fact the Sirkar there. He could remove any Ryot and give his land to another, though he usually respected the right of cultivation by which the Ryot kept the land as long as he paid the rent.

33. It is obvious, from the details given above respecting Madura, Dindigul, and the zemindarries of Shevagunga and Ramnad, that a village system has long been established in those countries, differing very little in the several districts, and agreeing generally with that which is found spread all over India; that the head-man or Natumkar has been accustomed to discharge all or most of the duties of Potail, and that there was therefore good reason to believe that he would not be averse to take upon him that of village Moonsiff. This opinion has been justified by the event, as the Collector had, some time before my arrival in the district, introduced the new system, not only without difficulty, but with satisfaction to the heads of villages.

34. In the districts now composing the province of Coimbatore, the villages were in ancient times managed by their Potails or head-men, under the officers of Government, or of the Poligars in the districts held by those chiefs. This system prevailed while the province was in the possession of Trimub Naik of Madura, in the seventeenth century, when it was subdued by the Rajah of Mysore, and during the usurpation of Hyder Ally and the reign of Tippoo Sultan, and has been continued under the Company's government.

35. There was a head-man to one or more villages, according to their size, having under him a Curnum, Totti, and other village servants. In the districts bordering on Trichinopoly he was called Natumkar or Nattar: in all the other Sirkar districts he was called Gour; and in the Poligar districts, Monigar. The cause of his being differently denominated in Sirkar and Poligar villages, was that the Poligars themselves being of the Gour caste, and being distinguished by the appellation of Gour or chief of their respective districts, did not choose that the heads of villages under them should have the title of Gour, and therefore gave them that of Monigar, which is generally applied to a revenue officer, whose appointment is temporary.

36. The influence of the Gours was so great, both under the Madura and Mysore Rajahs, that they were able to excite frequent insurrections. The Gour collected the revenue of his village, which if dry was usually paid in money, if wet in grain, and both in money and grain where there was dry and wet land in the same village. He collected a share of the produce (warrum) only where the Ryots were too poor to agree either to a money or grain rent. Though the rates of rent and produce due to the Sirkar were nominally fixed, yet as he was responsible for the realization of the revenue, he was no doubt permitted to raise them occasionally. He was assisted by the Curnum, who was, however, so much under his control, that he could write no accounts without his leave. He took cognizance of all suits brought before him by the inhabitants: he directed the village police, and punished offenders, not only in petty cases but sometimes in those of a serious nature. The Gours lost much of their authority during the strong government of Hyder Ally, but a few of the principal still retained enough to raise occasional disturbances until the province fell under the dominion of the Company.

37. Under the Madura and Mysore princes, the Gours were amply remunerated for the discharge of their duty. They had service lands rent-free, and fees in grain (marah) from every Ryot cultivating wet land; and though their service lands were resumed by Kishan Raj of Mysore, in consequence of their having joined the Poligars in rebellion, he at the same time granted them a remission, varying from a half to three-fourths in the rent of the land occupied by themselves. Their mara was resumed by Hyder, and the remission in the rent

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rent of their own land by Tippoo. The discontent by this measure induced Tippoo to summon them to Seringapatam. The dread of being compelled to become Mussulmans kept most of them away: those who attended obtained service lands, which were called Sultan enaums. All the Gours, however, obtained privately from the Tehsildars a remission in their own rent, and likewise such a share of the general revenue of their villages, by joining those officers in the extensive embezzlements of the public revenue which took place every where during the last half of Tippoo's reign, that they did not feel the loss of their ancient allowances. The Sultani enaums were resumed in the early part of the Company's government, and the small pay or commission, or the revenue which the Gours now enjoy, was granted.

38. The Gour held his office by hereditary descent: on failure of heirs, the vacancy was filled up by the Government. The office was rarely entirely forfeited, unless by treason or some heinous offence: for corruption or other acts of gross misconduct the Gour was fined or set aside, and some other member of the family appointed.

39. The establishment of the Curnum and other village servants is probably as old as that of the Gour in Coimbatore. Under the Madura and Mysore Governments, they had all service land and fees, excepting the Talliar, who had no land, but received one croi of grain per plough, one Veeroy fanam from each Ryot, and one Veeroy fanam on each house from all the other inhabitants. Each Talliar had from one to ten villages, and each Curnum usually from one to three. The service lands of the Curnums were resumed at the same time as those of the Gours by Kishan Raj of Mysore, who gave them lands at a low or quit-rent and one Veeroy fanam on each plough. These fees were resumed by Tippoo, but the grain fee was privately paid by the Ryots until the Company's Government, when all allowances to the Curnums were ordered to cease, and a small commission upon the revenue was assigned to him in lieu of them.

40. The same village system, with very little variation, prevailed in the pollams as in the Sirkar districts. While Coimbatore was subject to the Naigues of Madura, it contained a great number of Poligars, who revolted and joined the Mysori, when after the death of Tremul Naigin of Madura they invaded and subdued Coimbatore. The Poligars having again revolted, Kistna Raj of Mysore expelled the greater part of them. In the country north of the Nool, those who still remained were deprived of their pollams and left with one or two villages each by Sham Raj of Mysore. These villages were resumed, and lands and fees given in place of them by Hyder, who also resumed all pollams south of the Nool, excepting such as are still held by the Poligars. Many of the present Gours and Natumkars of Coimbatore are descendants of the old Poligars. It would be useless to attempt to trace what the condition of the village servants was under the different Poligars; it is sufficient to observe, that in their districts the villages were under the immediate direction of head-men (monigars) and Curnums, as this fact proves how universal the system of village government was, and that it was held in such high estimation that its adoption was thought to be necessary in every situation.

41. In Coimbatore the land is regarded as Sirkar property. The inhabitants have no knowledge of its ever having been otherwise, not even when under the dominion of Madura, where the land is private property. The only lands held as private property are the service and other lands granted by Government for various purposes, and garden or wet lands, for which wells or tanks have been dug at the expense of individuals, which are considered as private property, in countries where the claim of the Sirkar to the property in the soil is the most rigidly maintained.

42. The Collectors who made the first settlement of Coimbatore, on its becoming a part of the territories of the Madras Government, knew the advantage which might be derived from the services of such a body of men as the heads of villages, and therefore continued them in the exercise of all the duties of Potails, and hence no difficulty was found in introducing the Moonsiff system among them, or will ever be found in inducing them to undertake whatever village duty the Government may entrust to them. The office of the

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the head of the village was always, under the Mysore Government, an object of so much contest, as frequently to be the cause of bloodshed; and even under the Company's Government, though stripped of much of its emolument, it is still eagerly sought after; and even at this moment there are many competitors, who are afraid to reside in their old villages, lest they should be made away with by their opponents.

43. I have now, in this report and in that from Tanjore, endeavoured to give a brief sketch of what the village system was under the Native powers, until the Company's Government, in all the countries south of the Cavery, except Tinnevelly. It was my intention to have included that province in my circuit; but I abandoned it, on finding that it could not be accomplished without making me too late to get through Malabar and Canara before the monsoon. This disappointment is, however, of little importance, as there is nothing peculiar to Tinnevelly, either in the nature of its landed property or of its village administration. It has nothing, in either of these respects, which it does not hold in common either with Tanjore or Madura, and which has not already been noticed in speaking of these provinces. This opinion is founded both on the official reports of Mr. Lushington and on communications which I had with several natives of Tinnevelly and Madura, some of whom were landholders and others had been revenue servants. Tinnevelly, in the nature of the tenures of its villages, resembles Tanjore: in those of its dug villages and the rights of its heads of villages it is more like Madura. In its pollams, too, like those of Madura, but more particularly the smaller ones, there is no proprietary right but in the Poligar. The Ryots have no property in the soil, and are removable at pleasure.

44. It may be observed, with regard to the southern provinces, that though the term Potail is never used, and is little known among them, yet they always had heads of villages, who were in fact, under a variety of denominations, the same as Potails, and performed the same duties. These denominations, as has already been mentioned, are Prowurtah, Natumkar or Nattar, Ambulgar, Gour. The Prowurtah is applied only to Bramins, the Natumkar both to Bramins and Ryots, and the Ambulgar and Gour only to Ryots. These terms are universally understood in the southern provinces, and under one or other of them there is not a native south of the Cavery who does not describe the head of the village. In Tanjore, the Natumkar has by us been of late years confounded with the common landholder or Meerassadar. In Trichinopoly he is now called by us Pottahdar or Pottah-holder, because he gets the pottah for his village, but among the inhabitants he is always called by the old name. In Coimbatore the term Monigar, which was before confined to a few Poligar districts, has under the Company's Government been extended to the whole province. All fees have been resumed, and the heads of villages are paid a fixed allowance of money, and they have thus been converted, in fact as well as in name, from Gours or Potails into Monigars, for by Monigar is usually understood, not a head inhabitant of the village, but a revenue servant paid in money and dismissed at pleasure. Much confusion arises from this arbitrary adoption of new terms. We gradually lose sight of the nature of the office, which was sufficiently marked by the old ones, and we then seek for it in the new ones, to which it is entirely foreign. In order to obviate this inconvenience, it might be advisable to use, in the provincial records of the Collectors, the term by which the heads of villages have been most commonly designated by the natives of their respective collectorates.

45. The efficiency of the village system has undoubtedly been considerably diminished under the Company's government. In all the changes to which the country was subjected at different periods, by conquest, among the natives, the main points of the system were still preserved. The immediate management of the village was still left to its Potail or head-man, sometimes with more, sometimes with less authority; in some cases holding his office during his pleasure, but more frequently as an inheritance. We have almost everywhere reduced his authority. We have, in some districts, by constant removals, rendered the office more a temporary appointment and less an inheritance than before. We have, in others, resumed his fees and low rents and

monyem

monyem lands, and put a stop to the voluntary assessments among the Ryots, and to the remission in his own rent, or in that of the village, which were usually granted where he had no monyem. We have, it is true, in some cases given him a money allowance, greater nominally than the amount of his old monyem, but less in reality, because land has been assigned to him in lieu of the money, which is either waste, or does not yield the equivalent.

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46. The heads of villages are at present capable of carrying on all the duties required of them by the Regulations; but they would do it better if their situations were rendered more fixed and independent, which would give them more weight and respectability in the country, than they can possess when they are liable to removal at discretion. This might be effected by making the office hereditary, reserving however the power, in the case of the incapacity of the incumbent, of appointing the heir, or a member of the family, to act for him; by giving them service lands in lieu of money, wherever they held them before, and also wherever there is Government land for this purpose. The same rules should be observed with regard to the Curnum, the Tottie, and other village servants. Where the right of appointing the head of the village has long resided in the land-owners, it should be continued in them; but as it is a privilege which may be sometimes the source of dissension in villages, and detrimental to their property, it should be limited to those places where its long establishment is unquestionable. It is found chiefly in villages belonging to Bramins, whose ideas of equality dispose them more readily than the other castes to engage in parties and resist the authority of one of their number. Experience, however, shews that the right of removing their head-man is not necessary in Bramin villages, as there are many very thriving ones in which it does not exist; and this opinion appears to have been also very generally entertained by Indian Princes, because, in granting a village in Survamanyim to a community of Bramins, among the sharers or swastiums into which the village was divided there was usually one called the Yejamaun Swastium, the proprietor of which was of right the head of the village.

47. No general rate of allowances to the heads of villages would answer every where. In some provinces they are at present sufficient, in others too little, and in the same province more commonly both. It would, perhaps, be best to adopt different standards in different provinces, which in each might be regulated by ancient custom. In those villages where the head had service land and fees, or fees only, the usual amount of one or both might be taken as the standard for those villages in the same province, in which the heads had less of these or other allowances. But a careful inquiry will be necessary for procuring the requisite information, which can only be properly conducted by the Collectors, under the direction of the Board of Revenue.

48. In the course of my circuit, I have every where endeavoured to ascertain how far the new system was agreeable, or otherwise, to the inhabitants. From the constant and extensive communication I have had with them, I am convinced that there is not one in a thousand, and perhaps scarcely a man in the country, who is not pleased with the change. All classes expressed their satisfaction at being relieved from the police, and the vexations of its officers, and in some districts they spoke of it as a system of organized oppression. They expressed also much satisfaction at the modifications in the Judicial system, by which they are enabled, in so many instances where they wish it, to have their suits settled in their own villages or districts, instead of being obliged to consume their time in attendance at the zillah court.

I have, &c.

(Signed) THOMAS MUNRO,
First Commissioner.

Chinraypattan, 26th May 1817.

SECRETARY

SECRETARY *to* BENGAL GOVERNMENT *to* SECRETARY *to* MADRAS GOVERNMENT,

Dated the 18*th November* 1817.

To George Strachey, Esq. Chief Secretary to the Government of Fort St. George.

SIR:

Letter from Bengal Government, 18 Nov. 1817.

THE Right Honourable the Governor in Council of Fort St. George has been already informed, that in a letter dated the 9th of November 1814, the Honourable the Court of Directors have suggested to this Government the expediency of introducing various important changes in the system under which the administration of the police and of civil and criminal justice is at present conducted, within the territories immediately subject to the presidency of Fort William.

2. The alterations suggested by the Honourable Court being substantially the same as those which have been already carried into effect within the territories subject to the Presidency of Fort St. George, the Vice-President in Council is naturally anxious to ascertain in what degree the various changes in the administration of the police and of civil and criminal justice, which were introduced in the year 1816 into the territories dependent on Fort St. George, have been, or are likely to be productive of the benefits which were anticipated from them. The Right Honourable the Governor in Council of Fort St. George will perceive, from the accompanying copy of a letter addressed to the Honourable the Court of Directors, on the 7th February last,* that the Court have been apprized of the intention of this Government to apply for the information above adverted to; and I am now directed to request, that you will submit to the Governor in Council the wish of the Vice-President in Council, to be informed how far the alterations adopted at Fort St. George have operated, or are likely to operate:

1st. In diminishing the aggregate expenses of the Revenue, Judicial, and Political establishments.

2d. In the prevention of crimes, and in facilitating the detection and punishment of criminals.

3d. In expediting and improving the administration of civil justice.

3. With reference to the second head, the Vice-President in Council wishes to be informed, whether the period, during which prisoners are detained in confinement under examination, is generally shorter than formerly? whether prosecutors and witnesses are now exposed to less inconvenience than heretofore, in attending to give their evidence before the magistrate and criminal courts? whether the existing Regulations provide effectually for the detection and punishment of abuses of power committed by the natives, to whom the charge of the village and district police is now entrusted, and whether such abuses are more or less frequently committed than formerly?

4. Under the third head, the Vice-President in Council is desirous to learn, what portion of the time of the zillah Judges is still occupied in duties connected with the criminal department, in their capacity of criminal Judges; whether they are enabled to devote more time to the business of their civil courts than heretofore: and whether the number of civil suits decided by the zillah Judges and Registers has been materially augmented, since the transfer to the Collectors of the charge of the police?

5. It will also be satisfactory to the Vice-President in Council to be informed, whether the tribunals of village and district punchayets, as organized under the provisions of Regulations V. and VII. 1816, are freely resorted to by parties in civil suits, in preference to the other civil courts; and whether the respectable classes of natives are readily disposed to act as members of the village and

* This letter from Bengal has been received and replied to.

and district punchayets, or whether it is found necessary to enforce the penalties to which persons declining or refusing to act in that capacity are rendered liable by the Regulations?

Letter from Bengal Government, 18 Nov. 1817.

6. In like manner, the Vice-President in Council wishes to be informed whether the renters of villages, who are *ex officiô* designated village Moonsiffs and village police officers, readily undertake the gratuitous duties which they are expected to discharge in the two latter capacities; and if so, whether there are grounds to suppose that they derive indirect emoluments or advantages from undertaking those duties?

7. The Vice-President in Council is also solicitous to know, whether past experience has shewn that the Collectors, especially in districts not permanently settled, have sufficient leisure to discharge with effect the various duties now entrusted to them; whether any material share in the management of the police is entrusted by the Collectors to their Assistants; and whether the aid of the additional European Assistants under the Collectors is likely to be required?

8. With reference to the period (eighteen months) which has elapsed since the introduction of the new system at Fort St. George, the Vice-President in Council conceives that the experience which the Board of Revenue and the court of Sudder and Foujdarry Adawlut must, in the course of their official duties, have obtained, with respect to the operation of that system, will enable them to report their sentiments on the points respectively appertaining to the Judicial and Revenue departments, without the necessity of any previous reference to the officers subordinate to them; and it will be satisfactory to the Vice-President in Council to be furnished, at as early a period as may be convenient, with the reports of those authorities, and with any observations on them which the Right Honourable the Governor in Council may judge it expedient to communicate to this Government.

I have, &c.

(Signed) W. B. BAYLEY,
Secretary to the Government.

Fort William, 18th November 1817.

SECRETARY *to* BENGAL GOVERNMENT *to* SECRETARY *to* MADRAS GOVERNMENT,

Dated the 10th March 1818.

To D. Hill, Esq. Secretary to the Government, Fort St. George.

SIR:

Letter from Bengal Government, 10 March 1818.

I AM directed by the Honourable the Vice-President in Council to acknowledge the receipt of a letter from you, dated the 4th ultimo, transmitting copy of a letter addressed by you, under the orders of the Honourable the Governor in Council of the 30th December last, to the Commission for the revision of the Judicial system at Fort St. George.

2. It will, of course, be satisfactory to the Vice-President in Council to receive a copy of the general report which the Commission were directed to prepare on the 19th of August last. Adverting, however, to the special duties on which Brigadier-General Munro has been, and is still engaged, the Vice-President in Council apprehends that some delay will probably occur in the early receipt of the report in question. The Vice-President in Council would, at all events, be desirous of being furnished with the sentiments of the Board of Revenue, and of the Sudder and Foujdarry Adawlut at Fort St. George, on the important questions adverted to in my letter to the Chief Secretary to the Government at Fort St. George, under date the 18th November last, and I am accordingly directed to request that, if the Honourable the Governor in Council is not aware of any particular objections to the measure, the Sudder and Foujdarry

Letter from Bengal Government, 10 March 1818.

Foujdarry Adawlut and the Board of Revenue may be respectively instructed to furnish the reports alluded to in the last paragraph of my letter of the 18th November last, with as little delay as practicable.

I have, &c.

(Signed) W. B. BAYLEY,
Acting Chief Secretary to Government.

Fort William, 10th March 1818.

SECRETARY *to* MADRAS GOVERNMENT *to* SECRETARY *to* BENGAL GOVERNMENT,

Dated the 24th April 1818.

To W. B. Bayley, Esq. Acting Chief Secretary to the Government at Fort William.

SIR:

Letter to the Bengal Government, 24 April 1818.

IN further reply to your letter of the 18th November last, I am directed by the Right Honourable the Governor in Council to request that you will lay before the Honourable the Vice-President in Council the accompanying copy of the reply to the reference on the subject, which, as stated in my letter of the 4th February, was made to the Commission for the revision of the Judicial system, with copies of its enclosure. I am, at the same time, desired to acknowledge the receipt of your letter of the 10th ultimo, and to state that the Right Honourable the Governor in Council has resolved that a reference shall be made to the Sudder Adawlut and to the Board of Revenue, for information on the several points stated in your former letter.

I have, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George, 24th April 1818.

REPORT *of* MR. GEORGE STRATTON,

Dated the 13th April 1818.

To the Chief Secretary to the Government, Fort St. George.

SIR:

Mr. Stratton's Report, 13 April 1818.

IN my letter of the 21st ultimo, I stated that the official statements required to furnish the information called for by the Government at Fort William had been but recently completed and transmitted to the first Commissioner, with whom I was in communication, to afford the necessary information.

2. I have now the honour to transmit to you specific replies to the inquiries contained in the letter from the Secretary to the Government at Fort William, with six statements, numbered from one to six inclusive, to be laid before the Right Honourable the Governor in Council.

I have, &c.

(Signed) GEO. STRATTON,
Second Commissioner.

Madras, 13th April 1818.

Question.

Whether the period during which prisoners are detained in confinement under examination is generally shorter than formerly?

In

Answer.

Mr. Stratton's Report, 13 April 1818.

In criminal matters, the zillah Judge has been relieved, 1st, from all correspondence with police officers;* 2d, from receiving original complaints in any case of a criminal nature, except in cases in which a European British subject shall be a party;† 3d, from the cognizance of all petty offences and petty thefts;‡ 4th, from all disputes about boundaries and the forcible occupation of land or water for cultivation;‖ 5th, from the cognizance of all criminal prosecutions against police and revenue officers, for extortion, oppression, or other abuse of authority;§ 6th, in the administration of civil justice, the zillah Judge has been relieved by the Village Moonsiff, Village Punchayet, District Moonsiff, and District Punchayet Regulations, from an infinite variety of suits of every description;¶ 7th, by the Sudder Aumeen Regulation from all original suits under three hundred rupees, which he may have filed himself and from all appeals against decisions of the district Moonsiff;** 8th, by the Boundary Regulation, from many suits regarding disputed boundaries and water for cultivation, prisoners were formerly, in many cases, detained long in confinement under examination, from the great press of business, both civil and criminal, before the Judges and Magistrates. From the relief afforded the zillah Judges in the administration of civil and criminal justice, as above shewn, if the detention of prisoners under examination, charged with heinous crimes, cognizable by the criminal Judge, should prove in any instance longer than under the former system, the delay cannot, with justice, be imputed to the existing laws.†† Heads of villages cannot detain any person in their custody longer than twenty-four hours; and Tehsildars are required to finish the examination of accused or suspected persons within forty-eight hours, if possible.‡‡ With regard to prisoners charged with petty offences punishable by the Collector, as Magistrate, the period during which prisoners are detained in confinement under examination must be shorter than formerly, as they are not required to make their examinations matter of record, when the punishment they may order shall not exceed two days imprisonment, or a fine of five rupees.‖‖ In cases of a trivial nature, heads of villages and Tehsildars have the power to dismiss the parties, or to punish the offenders.§§ In all these cases the parties, under the old system, were brought before the Magistrate; except the complainant desired to withdraw his complaint, and the defendant agreed to the complaint being withdrawn.¶¶

The Commission beg to refer to the Statement, No. 1, shewing the number of cases depending on the 31st December, before the Magistrates and criminal Judges, in the several zillahs, from 1813 to 1817 inclusive. By that statement it appears, that the number of prisoners in confinement under examination has materially decreased, under the new system, during the last two years.

Question.

Whether prosecutors and witnesses are now exposed to less inconvenience than heretofore, in attending to give their evidence before the Magistrates and criminal courts?

Answer.

The Commission on a former occasion observed, it is proper that the court for the trial of all important civil suits should be fixed, but for the hearing of complaints of personal injuries the court must be moveable.*** While the state of society and the character of the people of India remain what they are, no stationary tribunal can be of much use in this respect. It is only by going round the country, and visiting every part of it, that the Magistrate can ever learn one-tenth part of the injuries which the inhabitants suffer from police officers and other subordinate agents, or the wrongs to which the poor are subjected by their more powerful neighbours. A travelling tribunal is so far from being a hardship to the poor, that it is only by its coming among them that their

* Section 55, Regulation XI. 1816.

† Section 3, Regulation IX. and Section 8, Regulation X. 1816.

‡ Sections 32 and 33, Regulation IX. 1816.

‖ Section 51, Regulation XI. 1816.

§ Section 44. Regulation XI. 1816.

¶ Regulation IV. V. VI. and VII. 1816.

** Regulation VIII. 1816.

†† Regulation XII. 1816.

‡‡ Section 5 and 27, Regulation XI. 1816.

‖‖ Section 37, Regulation IX. 1816.

§§ Section 10 and 23, Regulation XI. 1816.

¶¶ Section 24, Regulation XXXV. 1802.

*** Paragraph 10 to Government, 29 August 1816.

Mr. Stratton's Report, 15 April 1818.

their grievances are discovered, and that they have an opportunity of seeking redress. Were the tribunals fixed, most of them would be prevented by poverty or ignorance, or deterred by fear, from quitting their homes in order to complain. To render the Magistrate stationary, and at the same time to expect him to protect the inhabitants from outrage, would be to expect from him what no man in his situation could possibly perform. It would not be difficult to bring proof that even the most vigilant Magistrates have not, in such circumstances, been able to exercise any efficient control. With respect to heinous crimes and offences, the moveable nature of the Magistrate's tribunal will make no change in the mode of investigating them, as the prosecutors and witnesses will, as formerly, be sent direct to the zillah station by the Tehsildars.*

Question.

Whether the existing Regulations provide effectually for the detection and punishment of abuses of power committed by the natives, to whom the charge of the village and district police is now entrusted?

Answer.

Stationary as the Magistrate was by the former law, all the vigilance that could be exercised by him over distant servants could not effectually provide for the detection and punishment of abuses of power. The Magistrate was prevented from making local inquiries into abuses, which afford the best means of detecting and punishing them. The Commission made complaints for extortion, oppression, or other abuse of authority by heads of villages and other police officers, cognizable by the Magistrate only;† because the making them cognizable by the criminal Judge would produce collision, and would occupy too much of the time which ought to be devoted to his other duties, and because his authority, by being confined to the Magistrate, will give more efficiency to his office, and will be more likely to ensure speedy and certain punishment. It may be urged that the Magistrate will naturally be partial to his servants, and may sometimes be disposed to overlook their offences; but when this happens the injured party will still have the same remedy that he has now, by an action for damages in the civil court,‡ and he will be more likely to seek it than he is at present. In this respect the new Regulation will have an advantage over the old one, because it cannot be supposed that a person who brought a criminal charge before the zillah Judge, in his magisterial capacity, against any of his police servants, without obtaining redress, would be very forward in seeking his remedy by a civil action before the same Judge; but as the Judge and the Magistrate will hereafter be two distinct persons, he will not have the same motive to distrust the success of a civil suit. Under this view, the Commission are of opinion the existing Regulations provide more effectually for the punishment of abuses of power committed by the natives, to whom the charge of the village and district police is now entrusted, than the old Regulations did for the punishment of abuses of power committed by the police Darogahs and Thannahdars.

Question.

Whether such abuses are more or less frequently committed than formerly?

Answer.

It has been shewn that the modification of the law affords readier means for detecting and punishing abuses of power. Whether such abuses are more or less frequently committed under the new system than formerly, must also, in some measure, depend on the characters of individuals entrusted with the office of Magistrate and criminal Judge of the several zillahs. The Commission are, however, disposed to think that those abuses are less frequent now than formerly. With regard to the late Darogahs, they on a former occasion observed,‖ "We "know that they have been guilty of gross corruption and oppression in Coimbatore, where they were watched with all the vigilance that could be exercised over distant servants by a stationary Magistrate, and we have reason "to

* Section 27, Regulation XI. 1816.

† Paragraph 21, to Government, 25th June 1816.

‡ Section 44, Regulation XI. 1816.

‖ Paragraph 4, to Government, 28th February 1817.

Mr. Stratton's Report, 13 April 1818.

" to believe, from the general voice of the country, that their conduct has " been similar in several other districts."

The first Commissioner left Madras early in the year 1817, and proceeded through the districts of Chingleput, South Arcot, Tanjore, Trichinopoly, Madura, Dindigul, Coimbatore, Malabar, and Canara; and in delivering his sentiments, as to whether the new system is in general acceptable to the great body of the people or not, he observed,* " In the course of my circuit I have " every where endeavoured to ascertain how far the new system was agreeable " or otherwise to the inhabitants. From the constant and extensive communi- " cation I have had with them, I am convinced there is not one in a thousand, " and perhaps scarcely a man in the country, who is not pleased by the change. " All classes expressed their satisfaction at being relieved from the police and " the vexations of its officers, and in some districts they spoke of it as a system " of organized oppression. They expressed, also, much satisfaction at the " modifications in the Judicial system, by which they are enabled, in so many " instances where they wish it, to have their suits settled in their own villages " or districts, instead of being obliged to consume their time in attendance at " the zillah courts."

Question.

What portion of the time of the zillah Judges is still occupied in duties connected with the criminal department, in their capacity of criminal Judges?

Answer.

It has been already shewn to what extent relief has been afforded to the zillah Judges, both in civil and criminal matters. This relief affords them ample leisure for such business as comes before them in both departments, and enables them to devote to the civil or criminal department a larger or less portion of their time, as press of business in either may render expedient. This must vary in the different zillahs, from the different circumstances of each, as also from the characters of the local authorities, some disposing of business more expeditiously than others. As connected with the duties of the zillah Judges in the criminal department, a statement had been prepared, to shew the number of prisoners committed or held to bail in the several zillahs, to take their trials before the court of circuit, from 1813 to 1817 inclusive. By this statement, to which the Commission beg to refer, it appears, the number of criminal cases brought before the courts of circuit, during the last two years, is less than during the three former years; from which it may be said that the police, under the new system, is more efficient in the prevention of heinous crimes, or that it is less efficient than the old system, from persons concerned in heinous crimes not being apprehended. To estimate correctly both views of the case, two other statements have also been prepared, to which the Commission beg to refer. No. 3 shews the number of robberies and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within the several zillahs, from 1813 to 1817 inclusive; and No. 4, the number of criminal trials on which sentence has been passed by the Foujdarry Adawlut, during the same period. It appears by the Statement No. 3, that in 1815, when the Darogah and Thannahdar system of police had existed upwards of twelve years, and when it might be supposed more efficient than at any former period, that of the computed number of persons concerned in heinous crimes not one-half were apprehended, and that in 1816 and 1817, at the commencement of the new system of police, that of the computed number of persons concerned in crimes above one-half were apprehended.

Question.

Whether they are enabled to devote more time to the business of their civil courts than heretofore?

Answer.

A statement has been prepared of causes depending before the Judges, Assistant Judges, and Registers, from the 1st January 1814 to the 1st January 1818 inclusive,† to shew that, under the operation of the Regulations of 1816, the

* Paragraph 46, to Government, 26th May 1817.

† Statement No. 5.

Mr. Stratton's Report, 13 April 1818.

the number of causes depending before the European authorities, on the 1st January last, have been reduced from 3,565, nearly half the number on the files on the 1st January 1814, 1815, and 1816. This circumstance alone must enable the zillah Judges and Registers to devote more time to the business of their civil courts than heretofore.

Question.

Whether the number of civil suits decided by the zillah Judges and Registers has been materially augmented since the transfer to the Collectors of the charge of the police?

Answer.

Since the enactment of the Regulations of 1816, the number of civil suits decided by the zillah Judges and Registers has materially decreased, and the number of civil suits decided by the native tribunals has materially increased. This is to be attributed to the Village Moonsiff, Village Punchayet, District Moonsiff, District Punchayet, Sudder Aumeen, and Boundary Dispute Regulations having relieved the zillah Judges and Registers from an infinite variety of suits of every description. An abstract statement has been prepared* of the number of causes decided by the European and native tribunals in the several zillahs, during the last five years, to which the Commission beg to refer, to shew the result of the old and the new system, both in respect to original suits and appeals. The Commission, on a former occasion observed,† "All Regu-" tions should, in the beginning, conform as nearly as possible to the existing "customs of the country, and be changed progressively with those customs. "Though justice is every where the same, the mode of dispensing it differs in "all countries, and that which is acceptable under one state of society may be "quite the reverse under another. We should, therefore, give to the native "villages and districts, Courts suited rather to the present state of society "among them, than to our ideas of what such Courts ought to be, and leave "them at liberty to follow their own choice, in seeking redress either from "those simple Tribunals, or from our regular Courts. The natives themselves "are the best judges of what is suited to their present condition, and the expe-"rience of a very few years will determine whether they prefer Courts founded "on their own institutions or those of Europe."

Question.

Whether the tribunals of village and district punchayets, as organized under the provisions of Regulations V. and VII. 1816, are readily resorted to by parties in civil suits, in preference to the other civil Courts?

Answer.

To what degree the village and district punchayets have been resorted to, compared with the other civil Courts, is shewn in the Statement No. 6, just referred to. The number of civil suits decided by village and district punchayets, since the enactment of Regulations V and VII 1816, to the 31st December last, amounts to four hundred and fifty-seven, which, considering how much punchayets have been in disuse of late years, appears to the Commission a greater number than could have been expected. It must, besides, be taken into consideration, that under the Punchayet Regulations there is no compulsory jurisdiction, as both parties must voluntarily agree to that mode of trial.‡

Question.

Whether the respectable classes of natives are readily disposed to act as members of the village and district punchayets?

Answer.

The natives, generally speaking, rich and poor, are bigotted to their own customs. The administration of justice by punchayet is known to them as an ancient custom, and it may therefore be inferred, that all classes of natives are disposed to act as members of punchayets. On a question of such importance, involving the opinions of thousands of natives, the best answer is from inference drawn

* Statement No. 6. † Paragraph 32, to Government, 15 July 1815.

‡ Clause 2, Section 2, Regulation V. and Regulation VII. 1816.

Mr. Stratton's Report, 13 April 1818.

drawn from their known customs, to which they are generally attached;* "for "among them it is no more optional to decline sitting on a punchayet, than it "is in England to decline sitting on a jury. By the ancient usage of India, "every man, with the exception of a few individuals belonging to the religious "orders, is compellable to act on a punchayet. It is regarded as a duty which "he owes to the community, and which he ought to discharge without com-"pensation of any kind." These considerations induce the Commission to be of opinion, that the natives generally are disposed to act as members of village and district punchayets.

Question.

Whether it is found necessary to enforce the penalties to which persons declining or refusing to act in that capacity are rendered liable by the Regulations?

Answer.

Whether these penalties have or have not been enforced, has not come to the knowledge of the Commission; but admitting that, in some instances, the penalties have been enforced, the measure is sanctioned by the practice of the natives, for any person summoned to sit on a punchayet who does not attend is liable to a fine.

Question.

Whether the renters of villages, who are *ex-officiô* designated village Moonsiffs and village police officers, readily undertake the gratuitous duties which they are expected to discharge in their two latter capacities?

Answer.

Section 3, Regulation IV, 1816, prescribed, that the Potail, wherever he exists as Potail, shall be the Moonsiff, and that the renter or Collector shall be the Moonsiff only where the Potail has been set aside, and where the renter or Collector himself does in reality act as Potail.† Since the enactment of Regulation IV of 1816 to the 1st January last, 10,744 causes have been decided by village Moonsiffs.‡ As that Regulation becomes better understood, the advantages it offers to the poorer classes, of enabling them to have their petty disputes settled in their respective villages, will be more generally appreciated, and more causes will be settled annually by village Moonsiffs; but arguing on the number already settled during a period of about fifteen months in the different zillahs, it may be inferred, with justice, that the heads of villages readily undertake the duties expected from them under Regulations IV and XI of 1816.

On this subject the Commission some time past observed:§ "The Potails "have always been accustomed to perform whatever duties the Government "of the country thought proper to assign to them; we see, therefore, no "cause to apprehend their making any objection to those now proposed to "be allotted to them. It may easily, however, be conjectured, that if the "acceptance or rejection were left entirely to their own option, they would "retain their authority and all the higher duties of their office, and decline all "such as were likely to be attended with trouble and responsibility. They "will, we are convinced, be found not only as willing, but as competent to "discharge their duty, as can be expected from any body of men equally "numerous: indeed, there are no other instruments through which they "can be executed with so much convenience, both to the people and to "Government. Numbers of them will undoubtedly be found incapable: but "we should not look to the sufficiency of particular individuals, but to the "general result of the services of all. Some of the Collectors have said that "they are not willing, others that they are willing, but not fit, but the more "general opinion seems to be, that they are both willing and fit; and it is a "strong argument in support of this opinion, that those Collectors who have "had the best opportunities of knowing them, are those who speak most fa-"vourably of their employment."

The Police Committee, of which Mr. Fullerton was President, have observed,‖ "The head man, known in the southern provinces by the names of the Natamar, "Potail,

* Paragraph 8 to Government, 15 July 1815. † Paragraph 36 to Government, 20 April 1816.
‡ See Statement No. 6. § Paragraph 16 to Government, 20th August 1816.
‖ Paragraph 7 to Government, 5th May, 1814.

Mr. Stratton's Report, 18 April 1818.

" Potail, &c., and in the northern by those of Pedda, Capoo, Naidoo, &c. " were generally the most considerable and wealthy inhabitants of their re- " spective villages. Their authority was universally acknowledged, and " matters in dispute among the other inhabitants, whether of public or private " concern, were referred to them for adjustment. The officers immediately " subordinate to them in the discharge of police duties within the village were " the watchers, called in the southern provinces Talliars, &c. in the northern, " Barkies, Dundassies, &c. In some villages more than one village watcher " has been found. In a very few the office has been reported not to exist; " though probably a more minute investigation might yet discover, in most of " those places, the existence of provision for a village watcher. Where several " have been found in the same village, and not at all bearing the same official " designation, a question may arise, whether they may all be considered " village watchers. This will be adverted to when we come to treat of the " duties which the persons above enumerated have to perform, as they are all " clearly village servants, acting under the orders of the heads of the village."

And again:* " Although the head inhabitant is thus invested by the ancient " institutions of the country with the controul of the village police, of which " the Talliar has been shewn to be a most efficient member, his authority has " not, we believe, been formally recognized by the Regulations, and the " Thannahdar has assumed that relation to the Talliar, in which the head-man " ought of right to stand. The reason is obviously this, that without his aid, " the Thannahdar is wholly inefficient. Still, however, the inhabitants regard " the Potail as their municipal chief, and the watchers still acknowledge him " as their rightful superior."

The Commission have shewn† "that the allowances of Potails are extremely " unequal in different collectorates; that in some they are chiefly in money, " in others in land, and that in some there are none. It is usual, however, " where their allowances in particular villages have either been done away, or " are much below the usual rate of the district to which they belong, for the " Potails to obtain a compensation, by holding their lands at a more favourable " rent than the ordinary standard; it cannot, therefore, be said the duties required " of heads of villages, as Moonsiffs and police officers, are gratuitous." On the subject of the allowances of the heads of villages, the Police Committee have also observed, " We are not aware that it will be necessary, in any instance, to pay the " head of a village. In most places, that officer has certain fees and allowances, " and when he has not these, he is probably the richest man in the village. " The authority which he will be now acknowledged to possess he has long vir- " tually held; he will not therefore require to be remunerated for being raised " in the public estimation.

Question.

And if so, whether there are grounds to suppose that they derive indirect emolument or advantages from undertaking those duties?

Answer.

The suits in which the village Moonsiffs have compulsatory jurisdiction do not exceed ten rupees. If we suppose that sixty thousand suits be annually brought before the village Moonsiffs, it would scarcely, on an average, give two to each Moonsiff.‡ This shews how little temptation a ten-rupee suit can present to corruption, and there seems no ground to suppose that a Moonsiff who had been once guilty of it could ever repeat the offence. The fine§ and the excessive loss of time would be sufficient to deter him, and his loss of character would prevent the inhabitants from bringing their suits before him in future. The zillah Judges are empowered to annul the decisions of village Moonsiffs, on proof of corruption or partiality;‖ but although 10,744 causes have been decided by village Moonsiffs since the enactment of the Village Moonsiff Regulation to the 1st January last, the Statement No 6 does not exhibit a single decision of the Judges in appeal from the decisions of village Moonsiffs; and it

* Paragraph 22 to Government, 5th May 1814. † Paragraph 51 to Government, 20th August 186.

‡ Paragraph 43 to Government, 20th April 1816. § Section 35, Regulation IV, 1816.

‖ Section 29, Regulation IV, 1816.

Mr. Stratton's Report, 13 April 1818.

it does not even appear, by the Statement No. 5, that any appeals were depending before the Judges on the 1st January last from the decisions of the village Moonsiffs:* from which it can hardly be doubted but that the inhabitants are satisfied with their decisions in general, or that though the village Moonsiffs may often be irregular in not adhering to the letter of the Regulations, much good has been done by giving to the inhabitants, by their means, the option of having their petty disputes settled in their respective villages.

Question.

Whether past experience has shewn, that the Collectors, especially in districts not permanently settled, have sufficient leisure to discharge with effect the various duties now entrusted to them?

Answer.

Before the establishment of the zillah courts, the Collectors united in their own persons the offices of Judge, Magistrate, and Collector, and got through their business with efficiency and dispatch. By the new system they are relieved from the administration of civil justice, the cases specified in Regulation XII. 1816 excepted, which, being disposed of in a summary manner with little form, cannot occupy much of their time. With respect to criminal justice, prisoners charged with heinous crimes are now sent by the Tehsildars, with the prosecutors and witnesses, direct, as formerly, to the zillah station, for further examination by the criminal Judges or their assistants,† and the prisoners are by those authorities released, punished, or committed to take their trial before the circuit courts. The heads of villages and Tehsildars‡ relieve the Collectors from the cognizance of an infinite number of offences of a trivial nature, so that, compared with what formerly was the Collector's duty, the present system imposes on them fewer duties than might at first be supposed; and, under this view, the Commission see no reason to doubt the Collector's having sufficient leisure to discharge with effect the various duties now entrusted to them.

Question.

Whether any material share in the management of the police is entrusted by the Collectors to their assistants, and whether the aid of the additional European assistants, under the Collectors, is likely to be required?

Answer.

The Police Regulation‖ prescribes, that in Towns where, from the resort of Europeans, the employment of a native as Aumeen of police may be found insufficient, an assistant Magistrate shall be stationed, with the same police jurisdiction as is granted to the Magistrate, or such part of it as may be deemed expedient. Under this provision, the Collectors, no doubt, employ their assistants in police duties in the station referred to. But admitting even that the Collectors did not leave any share in the management of the police to their assistants, the Commission are decidedly of opinion, that two assistants, even under the old system, should have been attached to every Collector, as the best means of qualifying the junior servants the better to discharge the high office of Judge, Collector, and Magistrate.

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1. The Commission are of opinion, that the six statements referred to in their answers to the queries from the Supreme Government, as exhibiting actual results drawn from figures, since the enactment of the Regulations of 1816 to the 1st January last, are sufficient to shew the superiority of the new system over the old, "in the prevention of crimes, and in facilitating the detection "and punishment of criminals," and "in expediting and improving the admi-"nistration of civil justice."

2. The Commission now proceed to reply to that part of the letter from the Supreme Government, requesting to know "how far the alterations adopted "have

* Paragraph 7 to Government, 20th December 1817. † Section 27, Regulation XI. 1816.
‡ Section 10 and 23, Regulation XI. 1816. ‖ Section 41, Regulation XI. 1816.

Mr. Stratton's Report, 13 April 1818.

"have operated, or are likely to operate, in diminishing the aggregate expense "of the Revenue, Judicial, and Police establishments?"

The principal expense attending the new system is that of the district Moonsiff's establishments, amounting to Star Pagodas 22,968, which the Commission, on their first institution, observed, will be more than covered by the abolition of the four assistant Judgeships, and the court of Cochin, with their respective establishments, as recommended by them on the 25th June 1816, and which they estimated at Star Pagodas 30,409, the amount at which they stood on the 30th April 1815.*

4. The Commission have, at different times,† shewn the diminution of expense, by the transfer of the police establishments to the Collectors, and by the abolition by law ‡ of the offices of police Darogahs and Thanadars, which they estimate at about Star Pagodas 33,816: but the Commission observed, in their letter to Government of the 21st July 1817, "it is obvious that no just comparison "can be made under a partial revision, as not only some of the police servants "retained by the Judges might be reduced, but also a part of the establish-"ments employed in the administration of civil justice, the Judges being "generally relieved, under the operation of the new laws, from a great mass of "business, both in civil and criminal matters." As that revision remains yet to be made, and as further experience of the advantages attending the union of the police and revenue establishments may admit of further reductions in both those departments, the Commission regret it is not at present in their power to shew exactly "how far the alterations adopted have operated, or are likely "to operate, in diminishing the aggregate expense of the Revenue, Judicial, "and Police establishments."

5. The Commission, however, recommend that the Accountant-General be directed to submit to Government a statement of the actual amount of the Revenue, Judicial, and Police establishments, during the present official year, ending the 30th of this month, contrasted with the amount of the charges incurred in those departments, respectively, during the four preceding years. From the amount of the Judicial charges should be deducted the expenses of the Commission for the revision of the Judicial system, as being a temporary charge; the expense of any assistant Judgeships and zillah courts, with their respective establishments, it may be in the contemplation of Government hereafter to abolish; and from the amount of the Police establishments should be deducted the expense incurred by any increase to those establishments for the protection of the frontiers, in consequence of the existing Mahratta war, or of the former irruption of the Pindarries into the Company's possessions.

6. A comparative statement of the actual charges in the Revenue, Judicial, and Police departments, for five years, prepared on this principle, with the six statements the Commission have now the honour to submit, will, they conceive, shew to the Supreme Government how far the alterations adopted at Fort St. George have operated, or are likely to operate,

1st. In diminishing the aggregate expenses of the Revenue, Judicial, and Police establishments.

2d. In the prevention of crimes, and in facilitating the detection and punishment of criminals.

3d. In expediting and improving the administration of civil justice.

7. The Commission beg, however, respectfully to state, that the new system has had but little more than twelve months practical operation, and that, should the statements referred to carry conviction of its superiority over the old, some further time should, in justice, be allowed to see its full effects.

(Signed) GEO. STRATTON,
Commissioner.

Fort St. George,
13th April 1818.

* To Government, 29th June and 20th November 1816, and 29th September 1817.
† To Government, 21st July, 8th, 14th, and 30th November, 11th December 1817.
‡ Section 3, Regulation XI, 1816.

Mr. Stratton's Report, 13 April 1818.

(No. 1.)—*A Statement of the Number of Criminal Cases depending before the Magistrates and Criminal Judges, in the several Zillahs under the Presidency of Fort St. George, from* 1813 *to* 1817, *inclusive.*

Years.	Number of Cases depending on the 31st December.	Number of Persons under Bail.	Number of Persons in Confinement.
1813	620	760	1,255
1814	606	586	1,680
1815	534	874	1,427
1816	125	81	249
1817	89	53	213

(Signed) R. CLARKE,
Acting Register.

(No. 2.)—*A Statement of the Number of Prisoners committed or held to Bail by the Magistrates and Criminal Judges of the several Zillahs under the Presidency of Fort St. George, to take their Trial before the Courts of Circuit, from* 1813 *to* 1817, *inclusive.*

Years.	Number of Criminal Cases.	Number of Prisoners concerned.	Number of Prisoners in Jail.	Number of Prisoners on Bail.
1813	1,129	2,645	2,500	145
1814	978	2,294	2,148	146
1815	1,009	2,333	2,248	85
1816	808	1,897	1,763	134
1817	554	1,115	1,038	77

(Signed) R. CLARKE,
Acting Register.

(No. 3.)—*A Statement of the Number of Robberies, and other Crimes of a heinous nature, ascertained by the Police Officers, or otherwise, to have been committed in the several Zillahs under the Presidency of Fort St. George, from* 1813 *to* 1817, *inclusive.*

Years.	Number of Crimes.	Computed Number of Persons concerned.	Number apprehended.
1813	2,348	7,235	3,008
1814	3,137	7,124	4,190
1815	2,021	10,422 *	2,624
1816	1,117	3,068	1,735
1817	2,364	8,692	4,368

(Signed) R. CLARKE,
Acting Register.

(No. 4.)

* In explanation of the disproportion which appears between the number of persons concerned in crimes, and the number of persons apprehended in 1815, it may be proper to observe, that in the abstract statement from Masulipatam for that year, the Magistrate included the computed strength of a body of predatory horse, amounting to 4,392, of whom only thirty were apprehended.

Mr. Stratton's Report, 13 April 1818.

(No. 4.)—A Statement of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from the year 1813 *to* 1817.

Years.	Number of Trials.	Number of Prisoners on whom Sentence has been passed.					
		Deaths.	Transportation.	Imprisonment.	Released on Security.	Released.	Totals.
1813	131	49	116	121	...	121	407
1814	91	70	44	44	...	75	233
1815	149	39	58	57	37	235	426
1816	89	24	5	18	20	105	172
1817	95	38	10	31	15	97	191

(Signed) R. CLARKE,
Acting Register.

(No. 5.)—Statement of Causes depending before the Judges, Assistant Judges, and Registers.

Years.	By the Judge, in Appeal from the decision of					By the Assistant Judge, in Appeal from decision of					Under Trial, in the first instance, before			Total before the Judges, Assistant Judges, and Registers.
	The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	Former Commissioners.	The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	Former Commissioners.	The Judge.	The Assistant Judge.	The Register.	
1st Jan.														
1814	233	...	...	...	1,497	11	...	...	...	23	1,824	178	2,481	6,247
1815	273	...	...	...	1,586	6	...	...	...	142	2,007	349	2,285	6,648
1816	369	...	...	...	1,568	11	...	...	...	141	1,906	367	2,114	6,476
1817	430	359	4	...	829	35	...	...	...	155	1,220	150	1,411	4,603
1818	372	454	187	...	277	40	76	109	...	13	1,005	35	997	3,565

(Signed) R. CLARKE,
Acting Register.

(No. 6.

(No. 6.)—*General Abstract Statement of the Number of Causes decided by the Zillah Courts and Native Tribunals, from the year 1813 to 1817.*

Years.	By the Judge, in Appeal from Decision of										By the Assistant Judge, in Appeal from Decision of									
	The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Village Moonsiffs.		The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Village Moonsiffs.	
	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.
1813..	95	12	448	68	..	..	..	..	..	..	8	2	14	2	..	..	..	..	..	..
1814..	187	16	556	94	..	..	..	..	..	..	5	5	63	17	..	..	..	..	..	..
1815..	187	17	786	106	..	..	..	..	..	..	14	..	185	64	..	..	..	..	..	..
1816..	186	24	795	103	39	7	..	..	..	..	34	1	99	21	..	..	..	..	..	..
1817..	269	38	294	35	440	39	77	12	..	..	34	2	94	18	7	2	..	..	..	..

Years.	Tried, in the first instance, by						Total before the Judge, Assistant Judge, and Register.	By the Sudder Aumeens, in Appeal from the Decisions of the Native Commissioners, &c.	
	The Judge.		The Assistant Judge.		The Register.				
	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.		Decreed or Dismissed.	Adjusted by Razeenamah.
1813..	1,348	517	29	34	1,390	701	4,663	..	..
1814..	1,501	525	123	42	1,497	688	5,317	..	..
1815..	2,347	846	384	82	2,176	738	7,928	..	..
1816..	2,623	454	277	23	1,914	595	7,195	125	69
1817..	1,263	256	46	24	1,416	383	4,749	728	91

Years.	Tried by the Native Commissioners, &c. &c. &c.													Total Native Judicatories.	Grand Total European and Native Judicatories.
	Former Native Commissioners.		Sudder Aumeens.		District Moonsiffs.		District Punchayets.		Village Moonsiffs.		Village Punchayets.				
	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Decreed or Dismissed.	Adjusted by Razeenamah.	Total.		
1813..	14,902	9,986	..	..	..	..	..	..	..	..	..	..	24,888	24,888	29,551
1814..	16,801	9,916	..	..	..	..	..	..	..	..	..	..	26,717	26,717	32,034
1815..	21,571	9,116	..	..	..	..	..	..	..	..	..	..	30,687	30,687	38,615
1816..	23,511	8,448	1,585	497	3,189	1,944	..	..	286	165	64	31	39,520	39,714	46,909
1817..	825	932	3,862	1,558	30,948	16,903	100	12	6,981	3,312	214	36	65,483	66,302	71,051

(Signed) R. CLARKE,
Acting Register.

SECRETARY *to* MADRAS GOVERNMENT *to* SECRETARY *to* BENGAL GOVERNMENT,
Dated the 8th May 1818.

To B. Bayley, Esq. Chief Secretary to the Government at Fort William.

SIR:

Letter to Bengal Government, 8 May 1818.

WITH reference to my letter of the 24th ultimo, I am directed, by the Right Honourable the Governor in Council, to request that you will lay before the Honourable the Vice-President in Council the accompanying copy of a letter from Mr. Stratton, Commissioner for the revision of the Judicial system, with the report of the proceedings of the Commission therein referred to. The Governor in Council conceives that these papers may be useful, in supplying the information applied for in your letters of the 18th November and 10th of March last.

I have, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George, 8th May 1818.

REPORT *of* Mr. G. STRATTON,
Dated the 21st March 1818.

To the Chief Secretary to the Government, Fort St. George.

SIR:

Mr. Stratton's Report, 21 March 1818.

1. I have the honour to acknowledge the receipt this day of Mr. Secretary Hill's letter of the 17th instant, desiring me to submit "imme-" "diately" the report called for, under the orders of Government of the 19th of August and 30th December last.

2. Two causes have prevented the completion of the report required by Mr. Secretary Hill's letter of the 19th of August; first, the First Commissioner's absence from the Presidency since July, and full employment in other important duties; and secondly, the necessity of waiting for the official statements of the last year being received at the Sudder Adawlut office, to enable the Commission to incorporate in that report specific replies to the queries from Fort William, as required by Mr. Secretary Hill's letter of the 30th December.

3. The official statements required have been but recently compleated and transmitted to the First Commissioner, with whom I am in communication, to afford the information required by the Government at Fort William.

4. An abstract report having, however, been prepared, distinctly referring to the Commissioner's past proceedings, as required by Mr. Secretary Hill's letter of the 19th August, I have the honour to forward it for the information of Government and of the Honourable the Court of Directors.

5. The Commission stated, in their address to Government of the 20th of December last, to what extent Regulations IV. V. VI. VII. and VIII. of 1816 were "in practical operation" on the 1st of October; a comparative statement of the number of causes decided by the zillah courts and native tribunals, during the year 1815, when the old system solely prevailed; in 1816, when the new system was partially introduced; and in 1817, when it came into more general operation, having been recently * submitted by the Sudder Adawlut to Government. I here subjoin an abstract of that statement, with a view

* 19 February 1818.

view further to exhibit to what extent the new Regulations were "in practical "operation" on the 1st January last.

Mr. Stratton's Report, 21 March 1818.

Years.	Number of Causes decided by the zillah Judges and Registers.	Number of Causes decided by the Native Tribunals.	Total.
1815	7,928	30,687	38,615
1816	7,195	39,714	46,909
1817	4,749	66,302	71,051

6. The statement referred to shews, that since the enactment of the Village Moonsiff and Punchayet Regulations, in 1816, to the 1st January last, 10,744 causes have been settled by village Moonsiffs, and 457 by village and district punchayets.

7. The half yearly statements forwarded to Government, with the Sudder Adawlut's proceedings of the 21st ultimo, exhibit the practical operation of the new laws, both in respect to original suits and appeals, during the last half of the year 1817, contrasted with the same period of the preceding year.

8. I beg to draw the attention of the Right Honourable the Governor in Council to those several statements, as affording most satisfactory evidence of the beneficial effects of the Regulations of 1816, in the administration of civil justice.

I have, &c.

(Signed) GEO. STRATTON, Commissioner.

Madras, 21st March 1818.

1. The Honourable the Court of Directors, in their dispatch of the 29th April 1814 to the Government of Fort St. George, observed * that the modifications which they were about to prescribe in the system of judicature of late established in the territories of Fort St. George, did not involve the introduction of any novel or untried principle, nor any essential departure from an ancient and long established order of things, but rather the revision and amendment of one of recent creation; that the provisions of the Judicial code, beneficial as they have proved in some particulars, have yet failed in the accomplishment of the ends they had in view, both in Bengal and the territories subject to Fort St. George, and that a reference to the actual population of the country, and the number of suits decided and remaining undecided within the year, sufficiently shewed † "how disproportioned the existing means of "judicial administration are to the wants and necessities of the people."

2. The Court remarked,‡ that an European must labour under great disadvantages in the administration of justice among a people so peculiar in their habits, their ideas, and customs, and with whose dialects it is in vain to expect we can ever become sufficiently acquainted; that this must render the proceedings of the European Judge liable to great error,‖ and must, in a great measure, reduce him to a dependence on the native officers of the court, which in various ways will tend to the abuse and perversion of the ends of justice; and that, from the inability of the Judges to follow readily what passes in the progress of hearing a cause, great dilatoriness must arise in the dispatch of business.

3. The Court further remarked, that what also occasions the great arrears of suits, in both European and native tribunals, "is the process and forms by "which justice is administered,"§ which are the same as those of the superior tribunals in England, and pass under the same names; that the pleadings of the courts are almost in every case, written, as well as the evidence of witnesses; that such a tedious mode of proceeding must be incompatible with promptitude, and the tardiness with which causes are brought to a settlement must, in innumerable instances, be a greater evil than the injury sought to be redressed;

* Paragarph 4. † Paragraph 10. ‡ Paragraph 15. ‖ Paragraph 16. § Paragraph 17.

Mr. Stratton's Report, 21 March 1818.

redress; and that the frequent visits which the litigant parties are under the necessity to make to the court, during the progress of the cause, is a grievance of no ordinary magnitude to the suitors, and those who may be summoned to give evidence, and operates with peculiar severity on the heads of villages; that the forms of proceedings prescribed by our system of civil judicature are new to the natives, "to whom justice was used to be administered according to simple "rules and in a summary manner;" that the general unfitness of the natives to conduct their own causes in tribunals, whose proceedings are conducted by such intricate rules, has led to the appointment of Vakeels or licenced pleaders to each court, which although intended for the convenience of suitors, is accompanied with injurious effects, from these Vakeels depending for their subsistence on the encouragement of frivolous and vexatious disputes.

4. The Court therefore directed the Government to revise the form of process, "with the view of rendering the proceedings in civil cases as summary "as may be compatible with the ideas of substantial justice;"* and they observed, that they were not prepared to do away the class of licensed Vakeels, but expressed a desire that the subject should be maturely considered by the Government and the Sudder Court, with a view of devising, if possible, a remedy for an evil so generally acknowledged.

5. The Court next alluded to the latitude of the appeal allowed from the decisions of the Registers and Judges of the zillah courts, and directed the revival of the restrictions which formerly existed; but with regard to special appeals, they left the Government at liberty to extend the provisions of the code to any necessary case not comprehended within them.

6. With regard to the charges to which legal proceedings are subjected, the Court remarked, they were disposed to believe that, though those charges have served to diminish the number of vexatious suits, that they have, at the same time, had the effect of deterring many from seeking judicial redress for real injuries, on account of their inability to support the costs which necessarily accompany the means of obtaining it.

7. Having adverted to the most obvious defects in the present system, the Court stated that they were induced to think the remedy most applicable to them, as far as the administration of civil justice is concerned, may be obtained, in a degree commensurate to the necessities of the people, by such a modification of the present judicial system itself, as shall consign a great part of the business now conducted by the zillah and provincial courts to intelligent natives, through whose agency the means of administering justice might be enlarged, and a foundation laid for diminishing the expense attending the existing establishments; that they were led to recognize in the Potails or heads of villages, and the village Curnums or Registers, "the most powerful instru- "ment that any Government can possess for conducting the detailed operations "of its internal administration, as well in regard to the distribution of justice "as the direction of the police;" that through this agency the frame and constitution of the village communities, of which all India is composed, has been held together for many centuries; that they are the natural and permanent authorities of the country, and that true policy dictates the expediency of our availing ourselves of their services, for it is thus only that the business of Government can be adequately conducted in India, where the population is so extensive and the habits of the people so different from our own.

8. The Court were of opinion, that the agency of natives appointed to act as Commissioners, with jurisdiction in matters of property to a limited amount, paid as they are inadequately by fees for the performance of very responsible duties is less eligible than that of heads of villages acting within the limits of their own municipalities. They observed, that they were far from meaning to detract from the efficiency of the native branch of the Judicial system; but that the fact adduced by the Sudder Adawlut of Fort St. George, "that the subor- "dinate native judicatories are operative, to a very great degree, in promoting "the general and speedy distribution of civil justice, in causes, though small, "yet of infinite importance to the parties," demonstates the necessity of availing

* Paragraph 23.

availing ourselves of the instrumentality of the natives in the administration of civil justice, "to a greater extent than has hitherto been done."*

9. The Court observed, that the Potails and Curnums of villages have been in the constant habit of administering justice in their villages, which they cannot doubt they would again gladly execute, because it was inseparably connected with the consequence that belonged to them; that its being committed to other hands must impair their influence, and render a numerous body of men dissatisfied, if not disaffected to the British Government, and whose support and attachment the Court considered of more importance to the internal security of the country than even the strength of their military establishment; and that to restore a form of judiciary administration familiar to a people, distinguished by their adherence to ancient customs, would be most acceptable, and relieve the inhabitants from those vexations to which they are at present subject from the want of the ready means of judicial redress.

10. The Court observed, that as the punchayets, or native juries, appeared to have uniformly prevailed under every native government of India, it was necessary that they should make a part of any consideration involving in it a return to the ancient form of judicial administration, and they quoted the authorities of several able and experienced civil and military servants on the practical utility of the punchayet institutions.

11. The Court remarked, that the great argument which had been alleged against entrusting the natives with judicial authority was their proneness to corruption, but that the cause was attributable to the relaxed management of the affairs of civil administration under the native Governments, in the more modern periods of their history, as it related to judicature, to police, or to revenue, and that under a vigilant and active superintendence and control, the Potails and Curnums, assisted by the punchayets, might be advantageously employed in the administration of justice, without a recurrence to former abuses.

12. The Court conceived that the Potail might, by virtue of his office, execute the functions of Commissioner within his village, in the several modes, and under the rules prescribed by the Regulations, and subject to the same limitations as to the amount litigated: that in all cases coming before a Potail, either party should have the power of requiring the assembly of a punchayet: that the zillah court, in some cases referred by them to the Potail, might prescribe that mode of trial with a right of appeal, and that it should be at their discretion to refer boundary disputes and other cases of a particular description, not exceeding an amount to be specified, to the Potail and punchayet for final adjustment: that the amount to which the decisions of the punchayet might be rendered final should, in the first instance, be very small: that the Potails and punchayets should be empowered to act as arbitrators, without limitation as to amount, in all cases brought before them by voluntary consent, under bond of engagement to abide by the award pronounced, without appeal, except in cases of alleged corruption or partiality, proved to the satisfaction of the zillah court: that in allowing an appeal from the village to the zillah court, it was not intended that the judgment of the former shall be stayed pending the appeal, except under special circumstances, at the discretion of the zillah Judge: that in all cases not exceeding a certain amount to be fixed, the decision of the Potail and punchayet be carried into effect: that with a view to diminish the number of appeals to the European Judges, natives worthy of trust might be invested with original jurisdiction over districts, in suits for personal property not exceeding two hundred Arcot rupees, for malguzary to the same amount, and for lackerage not exceeding twenty Arcot rupees: that of those native Judges there might be three, four, or five to a zillah on fixed salaries, with fees: that their original jurisdiction might be final, to the extent of five pagodas, and their appellate jurisdiction to the extent of ten pagodas: that they should be assisted by punchayets, on a larger scale than that of the village, so as to have a greater selection of persons to exercise that function, as all the inhabitants of a village may possibly be connected with one or other of the litigant parties;

* Paragraph 44.

Mr. Stratton's Report, 21 March 1818.

parties; and that the jurisdiction of the superior native judicatories might be final, in suits instituted in the zillah courts which the Judges may deem proper to refer to them.

13. The Court observed, that by reverting to the established practice under the native Government, of employing the heads of villages and punchayets in the administration of justice, they were persuaded they should confer the most solid benefit on their native subjects, and relieve the European Judges from that weight of judicial business, the pressure of which must necessarily have compelled them to depend, in a great degree, on the officers of their courts, who are open to various temptations to abuse their trust; and that, by the admission of Potails and Curnums to municipal administration, "the inhabitants will "have their complaints inquired into at their very houses," and that the best practicable facilities will thus be afforded to a prompt and satisfactory administration of justice.

14. In order to appreciate the effect of those several measures, the Court directed a yearly or half-yearly report to be made of the nature and number of suits instituted in the several courts, distinguishing whether they have been decided or dismissed, and if appealed, whether confirmed or reserved.

15. The Court having thus signified their sentiments and instructions respecting the system of civil judicature, pursued "the same course with reference to "the administration of police."* They adverted to many authorities on the utility of the Talliar office, as forming in every village the best security of internal police, acting under the influence of the Potails and Curnums. They remarked, that Talliar police secures the aid and co-operation of the people at large in the support and furtherance of its operations, because it is pursued in a mode which adapts itself to their customs, and that any system which has been or may be resorted to for the general management of the police of the country, which is not built on that foundation, must be radically defective and inadequate; that the preservation of social order and tranquillity never can be effected by the feeble operations of a few Darogahs and Peons stationed through an extensive country, wanting in local influence and connection with the people, insufficiently remunerated to induce respectable men to accept the office, placed beyond the sight and controul of the Magistrate, and surrounded with various temptations to betray their trust. This system, the Court observed, has had a fair trial in the Bengal provinces, and whenever "the Magistrates "have had no other agency to depend upon, open and daring robberies and "every kind of individual outrage have prevailed."

16. The Court therefore directed, that measures be taken in the zemindarry countries to re-establish the village police, agreeably to the usage of the country, and that, in such part of the Madras possessions in which it may be found in a neglected or mutilated condition, it be also restored to its former efficiency, from which they anticipated not only a reduction of the greater part of the present Darogah establishment, but also of the police corps, still maintained at a heavy expense. The Court further stated, that they should not object to the Government availing themselves of the influence of the Zemindars in the support of the police, by investing them with police authority, since, to exclude them from a system founded on native agency, would be mortifying to them, and not improbably excite their endeavours to frustrate the intended object.

17. The Court next adverted to the expediency of transferring the superintendence and controul of the police of the zillahs to the Collectors of the Revenue, and adduced arguments and authorities to prove that these two branches of the service are paralized, by a separation of powers which, under every native Government, and even under our own till of late years, were united in one person; and they conceived that all the arguments and considerations which have been urged in favour of vesting the general superintendence of the police in the Collector, equally apply, in principle, to the employment of the Tehsildars as their immediate agents, who should be the link between the Magistrates and the village officers, aided, as occasion may require, by the Aumildars' Peons, and in large towns by the Cutwals and their Peons.

18. The

* Paragraph 73.

Mr. Stratton's Report, 21 March 1818.

18. The Court, in stating their ideas on some points connected with the administration of criminal justice, considered it to be one great advantage which will attend the modifications of the existing system of civil judicature to be adopted, that they will so much relieve the Judges of the provincial courts from the duties which they have to discharge in hearing appeals from the decisions of the zillah Judges, as to leave little more to attend to than the criminal business of the circuits, which had, in some instances, been so heavy, that the half-yearly circuits had not been completed within the prescribed period. They were strongly of opinion, that it would very much conduce to the more prompt administration of criminal justice, if the zillah Judges were to be so far invested with a jurisdiction in criminal matters, as to enable them to hear and determine all cases of public offence not of a capital nature, and now cognizable by the courts of circuit only, which might be brought before them by the Collector in his magisterial capacity, with a limitation, in regard to corporeal punishment, to fifty rattans, in regard to fines, to two hundred Arcot rupees, and to imprisonment, to one year: that the same important end would be materially furthered, were the Collectors, acting as Magistrates of zillahs, to be empowered to punish offenders by corporeal punishment to the extent of thirty rattans, by fine not exceeding one hundred Arcot rupees, and by imprisonment not exceeding three months; and they authorized the Government to associate the Collector with the zillah Judge in the trial of offences at quarterly sessions, should they deem the measure expedient.

19. The Court observed, that it was matter for consideration, whether in certain criminal cases the sentence of the provincial courts of circuit might not be carried into immediate execution, and whether the present form of proceeding in the courts of circuit would not admit of simplification; and that, in addition to the advantages which they contemplated from the employment of Collectors in the administration of criminal justice, they were satisfied of the necessity of that arrangement, as the finances of the Company were not equal to the pressure of the present large establishments, and they trusted that, by the improved system of judicial administration, the office of Assistant Judge may at once be abolished.

20. They referred* to their former observations as to the enforcement of the Regulation concerning pottahs, which should be under the Collector, as Magistrate; and they observed, that the Regulation respecting distraints required revision and amendments: that the observance of the pottah Regulation would afford the best safeguard against improper distraints; that no demand of a Zemindar, &c. for arrears of rent should be receivable in any court but on a pottah, nor should he be permitted to sell under distraint without an order from the Collector, and that the Collector should further have the nominal jurisdiction in cases of disputed boundaries, to decide them on the verdict of a punchayet.

21. Colonel Munro was appointed by the Government of Fort St. George First Commissioner of internal administration, and was directed to report on the means which he deemed best calculated for carrying into effect the modifications specified in the Court of Directors' dispatch of the 29th April 1814, to report occasionally how far these modifications, when introduced, may appear to answer the end of their adoption, and, generally, on every point which he thought might contribute to the improvement of the present system; for which purpose he was further directed to correspond with the several judicial and revenue authorities, and to visit the districts as often as he might deem it expedient.

22. Colonel Munro, in acknowledging the receipt of these instructions, observed, that the modifications ordered to be made in the police and magisterial departments appeared to be the objects that first claimed attention; but before he could venture to submit any proposition for carrying the orders of the Court into effect, it would be necessary to make himself acquainted with the present state of those departments, for which purpose he requested to be furnished with the proceedings of the Committee of general police, which sat in 1805 and 1806, and all the reports and statements on which their report was founded, and also

* Revenue letter, 16th December 1812.

Mr. Stratton's Report, 21 March 1818.

also those received in consequence of the circular letter of the Chief Secretary of the 28th November 1811.

23. With a view to ascertain whether or not the orders of the Court of Directors might not already have been in some points anticipated by Government, Colonel Munro perused all the proceedings and reports he had required, and observed, in his address to Government,* that as many of the answers to the Chief Secretary's circular letter were defective in their statements of the strength of the village police establishments, and of the funds available for their maintenance, as any information tolerably accurate on this head could not be got without a tedious investigation on the spot, and as it would be necessary to alter many of the existing Regulations, he submitted to Government the expediency of appointing another Commissioner for the accomplishment of these objects.

24. In a subsequent address,† Colonel Munro stated that several important improvements in the existing system of police had been suggested by both Committees of Police, but none had yet been carried into effect, nor had any of the amendments ordered to be made by the Court of Directors, in their dispatch of the 29th of April last, been rendered unnecessary by any late Regulations of Government: that as the whole subject of that dispatch still remained for consideration, he submitted to Government an abstract of its contents, exhibiting under two heads, first, all those matters which Government, after referring to the Sudder Adawlut and subordinate courts for their opinion, were to adopt or reject, as they thought proper; and secondly, all those on which the orders for carrying them into effect were imperative.

25. Of the last class, the First Commissioner observed, the alteration of the most importance was the transfer of the police and magisterial duties from the zillah Judge to the Collector; and he recommended that the Sudder Adawlut should be directed to prepare, without delay, a Regulation for that purpose, and that they might afterwards be directed to prepare six separate Regulations to give effect to the other arrangements ordered by the Court of Directors, proceeding in the order of their relative importance. He stated the object of each Regulation, which, together with the one for transferring the authority of Magistrate to the Collector, would comprize all the points on which the Court's orders were positive, and which required immediate attention.

26. On the 3d of January 1815, the Right Honourable the Governor in Council was pleased to appoint Mr. George Stratton Second Member of the Commission and Third Judge of the Sudder and Foujdarry Adawlut, with orders to divide his attention between the separate duties with which he was charged, in such manner as, in communication with the other Judges and the First Commissioner, he might have reason to believe to be the most expedient for the public service.

27. The report submitted by Colonel Munro rendered it necessary for the Governor in Council to take a survey of the whole contents of the Honourable Court's dispatch, divided into three separate branches, viz. the established system of judicature, the present police arrangements, and the administration of criminal justice. The Government assigned to the Sudder Adawlut, the Board of Revenue, and the Commission, the measures which, in pursuance of the Honourable Court's orders, they were respectively called upon to execute.

28. These measures, and the Regulations required, were distinctly stated under eighteen separate Resolutions; and the Commission were directed,

Under the first Regulation, previously to preparing the draft of a Regulation for establishing village courts, to ascertain, first, whether the office of Potail universally existed and was vested in one person; secondly, whether the Potail be willing to undertake the duty proposed to be assigned to him; thirdly, whether the mauniums, fees, and shares of produce, which are supposed to constitute the recompense of his labours, were in all cases still continued.

Under the second Resolution, the Commission were required, previously to preparing a draft of a Regulation for establishing district courts, to ascertain whether

* Letter to the Chief Secretary, 13th December 1814.

† Letter to the Chief Secretary, 24th December 1814.

whether there were individuals possessed of sufficient rank and respectability to preside over them.

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Under the eighth Resolution, the Commission were required, previously to preparing a draft of a Regulation for carrying the arrangement respecting the village police into effect, to ascertain, first, whether the Talliars were sufficiently numerous; secondly, whether they were sufficiently remunerated; thirdly, whether the Potails were fit to be entrusted with the charge of the police of their villages; fourthly, whether they were willing to undertake it.

Under the ninth Resolution, the Commission were required to furnish a statement of the whole charges, of every description, including cavelly and other fees, mauniums, and shares of produce, formerly incurred on account of municipal establishments, which might from time to time have been resumed under the revenue arrangements of the Madras Government.

Under the tenth Resolution, the Commission were required to provide for the employment of Zemindars in the duties of police.

Under the eleventh Resolution, the Commission were required to prepare the draft of a Regulation for transferring the superintendence and controul of the police to the Collector. Colonel Munro having stated that the transfer was to include not merely the superintendence and controul of the police, but also the whole duties of the Magistrate, the Governor in Council stated the grounds on which he was inclined to think differently of the Court's intentions, viz. first, that their letter contained no direction for taking away the powers of Magistrate from the zillah Judge, but only for the transfer of the superintendence of the police; secondly, that the nature and extent of the proposed transfer seemed defined by the remark in the eighty-eighth paragraph of the Court's dispatch; that a proposition to the effect of their order for the transfer was recommended by the Police Committee in 1806, who expressly founded their recommendation for transferring to him the superintendence of police in the security against abuse afforded by his not possessing magisterial powers; thirdly, that it was not necessary to the efficiency of the Collector's superintendence of police, that he should be vested with the powers of a Magistrate; and fourthly, that the suggestion to invest the Collector with specific magisterial powers, contained in the one hundred and second paragraph of the Court's dispatch, was inconsistent with an intention to transfer the whole powers of Magistrate from the Judge to the Collector. The Commission were directed to submit their opinion on the expediency of the further transfer which Colonel Munro conceived to have been in the contemplation of the Court of Directors. The Foujdarry Adawlut and the Revenue Board were also required to state their opinion on the same point; and the latter were further directed to report, whether they considered the Collector capable of undertaking the duties of Magistrate, as laid down in the Regulations, without increased assistance or preparation for his new office.

Under the thirteenth Resolution, the Commission were required to report their opinion on the expediency of vesting in Collectors the powers of punishment proposed in the one hundred and second paragraph of the Court's letter.

Under the fourteenth Resolution, the Commission were required to state their opinion on the expediency of associating the Collector with the zillah Judge at quarterly sessions, as suggested in the same paragraph.

Under the eighteenth Resolution, the Commission were required to prepare a draft of a Regulation for requiring boundary disputes to be settled by the Collector, on the verdict of a punchayet.

29. The members of the Commission were cautioned to conduct the investigations ordered through the local officers, to conform to the established system of internal administration, to avoid every measure which might have a tendency to unsettle the minds of the people with regard to that system, and destroy their confidence in its permanency, and to strengthen and uphold the legitimate influence of all the constituted authorities of the Government.

30. These Resolutions were sent to the Commission;* and, in reply, they stated,† that the Regulations should be prepared and issued as soon as possible, and

* Letter from Mr. Secretary Hill, 1st March 1815.

† Letter to the Chief Secretary, 28th March 1815.

Mr. Stratton's Report, 21 March 1818.

and not be deferred until an accurate knowledge of the information called for had been acquired; that by a contrary course of proceeding no useful end could be gained, and the business of the Commission would be protracted far beyond the period limited by the Court of Directors.

31. On the three heads of information required under the first Resolution of Government, with regard to the first point, "whether the office of Potail universally exists and is vested in one person," the Commission stated, that the office of Potail, or something similar to it, was universal; that villages are, in general, under a single Potail; that where they are under two or more Potails, one only is the actual manager of the village; that in agraharums and other villages, divided into shares and held as hereditary property, by communities of Brahmins or Ryots, where the shares are interchangable among all the members, and where the rights of all are equal, there is always some one individual to whom the rest submit, either on account of his abilities or some other cause, who commands the village servants and directs its affairs; that under the permanent system, where the internal economy of the village has in some instances been deranged by the removal of the ancient Potail, either the actual renter, or some person appointed by him, acts in his room; that in the great zemindarries the village is either managed by a Potail, or by some individual nominated to act as such by the Zemindar; and, in fine, that in every village there is some one person, however he may be denominated, who is its efficient head and manager.

32. With regard to the second point, "whether the Potail be willing to undertake the duty proposed to be assigned to him," the Commissioners remarked, that there is nothing in the duty now proposed different from that which has been discharged by the Potails at all times, under every native Government, and even under our own until the introduction of the judicial system; that he has been always accustomed, either himself or by means of a punchayet, to settle the petty suits of his village; that the observance of this custom has always been obligatory, not optional, and that to leave the heads of villages the option of performing or not one of the most important duties of their office, would be productive of very great inconvenience. Among the Potails, as among all large bodies of men, a great number will wish to be relieved from as much labour and responsibility as possible, and decline the exercise of every duty whenever it is left optional with themselves: the object of the Court of Directors, of having petty village disputes settled on the spot, would thus be frustrated, by the Potails, to whom alone this duty can be with propriety entrusted, refusing to act.

33. With regard to the third point, namely, "whether the manniums, fees, "and shares of produce, which are supposed to constitute the reward of his "labours, are in all cases still continued?" The Commission stated, that they knew that whatever the Potail allowances were, they are in general the same now: that upon them he discharged the duty in question under the native Governments, and even under our own, until lately, and may therefore do so again; and that under the permanent settlement or decennial lease, in those cases where the Potail has declined to rent his village, and receives in consequence only a part of his service lands and fees, the new proprietor or renter who succeeds to his office succeeds also to all the obligations of it, and is bound by the immemorial usage of the country to discharge them: that cases of a parallel nature formerly occurred every day in the unsettled districts, whenever the Potail, from sickness, incapacity, minority, or other cause, was incapable of acting, and had no near relation qualified to act for him, a stranger was appointed to officiate, who received a share only of the Potail's allowances and performed all his duties; and that, however desirable it would be to obtain correct statements of the service lands and fees, &c. of the Potails, much time must elapse before they can be procured with any tolerable degree of accuracy.

34. On the information required under the second Resolution of Government, the Commission stated, that they had no doubt that individuals of sufficient rank and respectability to preside over the proposed district courts might be found, but that their being willing to act, or not, must depend, in a considerable degree, on the nature of the duties required of them, and the amount of the fees or salary to be granted for the performance of them: that many of the present Commissioners are in the class of men required for this office, and might be transferred to their new duties in the enactment of the Regulation, and would be more efficient from previous experience.

35. On

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35. On the four heads of information required under the eighth Resolution of Government, the Commission remarked, with respect to the two first, namely, "whether the Talliars are sufficiently numerous," and "whether they are "sufficiently remunerated?" that much labour had already been bestowed by two Police Committees in this matter, and that, by the last, all the information attainable in the present state of things had been drawn together: that it was now ten years since the first Committee began its inquiries, and above three years since the letter of the Chief Secretary, calling for the statements upon which the last Committee founded their report, was circulated, and that the information was still defective: that any investigation of the Commission they could not suppose would render it more perfect, or extract from the local authorities any thing which they had not already furnished to the last Committee; for however desirous these authorities might be to throw additional light upon the subject, it was in most of the settled countries impossible for them to do so, both because the requisite investigations were not undertaken before the permanent settlement, and because, since that event, they have not had sufficient control over the Curnums to make them with any effect; but that this was of the less consequence, because the duties of the village police had, in general, always been, and in fact still were executed by the present establishment of Talliars, and may therefore still continue to be executed by them.

36. With regard to the other two points which the Commission were directed to ascertain, previous to drafting the necessary Regulations, in respect to the fitness of the Potails, they stated their conviction, that they are fitter than any other set of men to be entrusted with the village police: that the influence which they derive from their situation as head of the village, qualifies them, in a higher degree than any other persons, for the charge of the police; and that, as they have always been entrusted with it, they join to influence the benefit of experience: that no other men could be substituted for them without incurring a heavy expense, nor could they be found equally useful: that under our own judicial system, the village police has in general been virtually managed by them, though nominally by the Darogah establishment: that there are, no doubt, many Potails very little qualified for the charge of the police, but that this is a defect unavoidable in every institution similarly extensive: that where incapacity is notorious, it may be remedied by the local authorities appointing a substitute; and that no opinion of the Commission, as to the competency of the Potails, can be of any use, as the question has been decided by the Court of Directors, who have pronounced the Potails to be the fittest instruments for the management of the village police, and ordered them to be appointed to it.

37. With respect to the last point to be ascertained, namely, whether the Potails are willing to undertake the charge of the Police, the Commission observed, this had been answered, in giving their sentiments on the employment of the Potails as village Commissioners: that the charge of the police being a condition inseparably attached to their office, it could answer no good purpose to give them room to suppose that it might be declined under any circumstances, for this would lead them to believe that some great change was intended; that the discharge of their police duty was to be optional, or that if they agreed to hold it, they were to receive some additional allowance.

38. The Commission stated, that they would furnish the statement required under the ninth Resolution of Government, namely, a statement of the whole police charges of every description resumed under the revenue arrangements of Fort St. George; but that, in order to enable them to prepare it, it would be necessary to direct the local authorities to furnish whatever documents they might call for, and to assemble the Potails, Curnums, or other native village or district servants, whenever they might require it, for the sake of receiving additional information on the spot.

39. The Commission also stated, that they would, as directed in the tenth and eleventh Resolutions of Government, provide for the employment of Zemindars in the police, and prepare a draft of a Regulation for transferring the superintendence and control of the police to the Collector: and as to the expediency of the further transfer, which Colonel Munro conceived to have been in

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in the contemplation of the Court of Directors, the Commission thought it expedient that the office of Magistrate should be entirely transferred to the Collector, for the following reasons; that there seems no other way of preventing the collision of the European local authorities; that while this collision subsists, the respectability of both offices will sink in the estimation of the natives, and neither be efficient; that the village officers will still be equally at the call of either, and distracted in their duties; that the system of the village municipalities, in which every member has revenue duties to perform, is calculated to be directed by the single authority of the Collector; that if the full transfer is not made, the complaints for petty offences must still be carried to the zillah court, to the great vexation of the inhabitants, by their being compelled to go so far from their homes; that if the full transfer were made, these matters would be cognizable by the Collector as Magistrate, and might be settled on the spot, either by himself or his Aumildars; that the offices of Magistrate and Judge being united in one person, obliges the Judge to bestow much of his time on his magisterial duties; that by limiting the jurisdiction of the zillah Judge to civil suits, justice might be so much expedited as to enable the courts to answer the demand of the country, to which they are at present unequal; and that a considerable saving might be made in the magisterial establishment, by the complete transfer which, the Commission observed, was enjoined by the Court of Directors, in paragraphs 84, 85, 88, 89, 90, 95, 102, 106, 107, and 109 of their Judicial dispatch of the 29th April 1814. From the tenor of those several paragraphs, the Commission adduced reasons to prove that it was the Court's intention, not only that the Collector should be Magistrate, but with augmented authority.

40. The Commission being required to report their opinion, under the thirteenth Resolution of Government, with regard to the powers of punishment proposed to be vested in Collectors by the hundred and second paragraph of the Court's letter, stated that these powers ought to be given, whether the Collector is constituted Magistrate or Superintendent of Police; for, though as head of the police, he can rarely have occasion to exercise them to their full extent, it may yet sometimes be necessary.

41. The Commission being required to report their opinion, under the fourteenth article of the Resolutions of Government, on the expediency of associating the Collector with the zillah Judge at quarterly sessions, as suggested by the Court of Directors, observed that the measure would be attended with too many inconveniences to render it fit for adoption. These inconveniences they enumerated, and expressed their doubt as to the expediency of the establishment of the zillah quarterly sessions at all, as since the enactment of Regulation I. of 1811, for providing quarterly sessions in the zillahs of Masulipatam, Chittore, Trichinopoly, and North Malabar, the Circuits had always been completed by the Circuit Judges within the time limited.

42. The Commission stated, that they would submit a draft of a Regulation for the settlement of boundary disputes, as required under the eighteenth Resolution of Government.

43. The Commission observed, that it was essential to the success of their investigations, that they should have a free intercourse with the inhabitants: that both in their communications with them, and on all other occasions, they need hardly observe they would endeavour to strengthen and uphold the legitimate influence of all the constituted authorities of the Government; but they respectfully suggested, that the most efficacious way of preventing the minds of the people from being unsettled with regard to the permanency of the present system, would be to publish and circulate, with as little delay as possible, all the Regulations required under the proposed changes, which most immediately affected any body of the people.

44. The Commission were informed in reply,* that as the Regulations to be prepared by them must undergo the revision of the Sudder Adawlut and of the Government, and as it was prescribed by the Supreme Government that all Regulations were to be sanctioned by their authority previous to enactment, it was the wish of the Governor in Council that the Regulations should be drawn

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* Letter of Mr. Secretary Hill, 30th May 1815.

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up and submitted through the regular channel, with as little delay as possible: that the Governor in Council continued to be of opinion, that it would be advisable that a report on the points of information required in articles No. 1 and No. 8 in the Resolutions of Government of the 1st March, should precede the promulgation of the Regulations: that no time should be lost in transferring to the Collector the exercise of the whole of the duties of the police, in the sense they were understood by Government; and that to what degree magisterial powers might ultimately be transferred from the Judge to the Collector, or be conferred upon him in common with the Judge, would be matter for future decision.

45. The Commission, in consequence, circulated forms of four statements to the several Collectors of zillahs,* to be filled up, embracing the several points of information required by Government, which they were directed to transmit to the Commissioners' office, on or before the 1st October ensuing; and having prepared drafts of seven Regulations, conformably to the order of Government of the 1st March, they sent them to the Sudder and Foujdaree Adawlut for revision.†

46. Copies of these Regulations were subsequently laid before the Right Honourable the Governor in Council,‡ with a summary of each, accompanied with such remarks as appeared necessary to explain the grounds on which the Commission had sometimes ventured to deviate from the instructions of the Honourable Court of Directors. The following is the substance of the Commissioners' remarks on this occasion.

47. By Regulation I. § the Commission fixed the original jurisdiction of the village Moonsiff at ten rupees, because it appears to have been the intention of the Court that the sum should be small; and they exempted him from the duty of referee in determining all causes referred to him by the zillah Judge, as proposed by the Court, because his duties as village Moonsiff, as head of the police, and as revenue officer, are sufficient to occupy his time, and because the district Moonsiff being empowered to officiate as referee makes it the less necessary that he should act in that capacity. The Court recommended that the village Moonsiff, as arbitrator, should decide without limitation as to amount; but the Commission limited his jurisdiction to cases not exceeding one hundred rupees, because that would be found sufficiently extensive to answer every useful purpose, more particularly as in the same village the parties might have recourse to a punchayet, whose jurisdiction is unlimited. The Court proposed that the execution of the village Moonsiff's decrees, on an appeal to the zillah Judge, should be stayed only under special circumstances; but the Commission admitted no appeal from the village Moonsiff deciding of his own authority, beyond the district Moonsiff, because one appeal is enough in suits limited to ten rupees.

48. In Regulation II. the Commission adhered to the custom of the country in the mode of forming the punchayet, and limited the number of members to any odd number, from five to eleven, according to the population of the village, the importance of the matter at issue, and other circumstances. By the ancient usage of India, every individual, with the exception of a few belonging to the religious orders, is compellable to sit on a punchayet, for which reason the Regulation authorizes the village Moonsiff to fine any person who does not attend when summoned, to the extent of five rupees. The Regulation authorizes the village Moonsiff to fine any person who does not attend when summoned, to the extent of the jurisdiction of the punchayet, when it tries suits on the application of one of the parties, to one hundred rupees, the Court not having specified any amount, but it makes the decision final only in cases not exceeding ten rupees, because the Court recommended that the amount should be small, and because, in so narrow a sphere as a village, where prejudice may operate in the punchayet, and where only one party seeks its decision, there should be an appeal to the district punchayet. In cases where both parties voluntarily engage to abide by the award of the punchayet, the Regulation, conformably

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* Circular to Collectors, 8 June 1815. † Letter to the Register to the Sudder and Foujdarry Adawlut, 1 July 1815. ‡ Letter to the Chief Secretary, 15 July 1815. § Original Drafts.

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conformably to the Court's orders, makes it final, without limitation as to amount, except where corruption may be proved before the zillah Judge.

49. Regulation III. was framed chiefly from the Bengal Regulation XXIII. 1814, and the Madras Regulations for native Commissioners, which were made to correspond with the village Moonsiff Regulation, and with the views of the Court of Directors in extending the jurisdiction of the District Moonsiffs to all suits for real and personal property not exceeding two hundred rupees. The Court proposed, that the decision of the district Moonsiff should be final, to the extent of five pagodas; but the Commission carried it only to ten rupees, conceiving it advisable that the latitude of appeal should be greater on the first institution of the proposed system. The Commission remarked, that the jurisdiction of the district Moonsiffs should hereafter be extended to three thousand rupees, and that the Moonsiffs should be selected from the most deserving of the zillah court servants, and that their receipts should not be less than from thirty to fifty pagodas monthly.

50. Regulation IV. was founded exactly on the same principle, of employing the better informed of the inhabitants, generally, in the administration of justice, as Regulation II., and it differed from it only in so far as was necessary for the purpose of rendering it applicable to the district instead of the village. The fine for refusing to act on district punchayets is extended to ten rupees. In cases where it tries suits at the request of only one of the parties, its jurisdiction is limited to two hundred rupees, in compliance with the Court's orders; but the Commission recommended that it be extended to three hundred rupees. The decisions of the district punchayet are made final in all appeals from the village punchayet, because as the amount cannot exceed one hundred rupees, two bodies of men are not likely to be materially wrong from ignorance or corruption. In original suits, where the trial is made on the demand of only one of the parties, the decision of the district punchayet is made final to the extent of one hundred rupees, though that of the village punchayet is final only to ten, the district punchayet being composed of men less likely to be influenced by local or party motives than those of which the village punchayet is composed.

51. As the establishment of district punchayets, and the extension of the jurisdiction of the district Moonsiffs, will occasion an increase of appeals to the zillah courts, it was thought proper to extend, by Regulation V. the Sudder Aumeen's referee jurisdiction from one to three hundred rupees, leaving it still two hundred rupees less than that of the zillah Register. The decisions of the Sudder Aumeens are made final in appeals, because, from their respectable office and high salaries, they are not likely to give a corrupt decision, nor from their experience and knowledge to give an erroneous one. The Hindoo law officers of the provincial courts are also made Sudder Aumeens, because they are well qualified, well paid, and have more leisure than even those of the zillah courts.

52. Regulation VI. is restricted to litigations respecting village boundaries, which from the violent party spirit which a contest for them excites, and the falsehood and arts by which the opposite claims are maintained, can only be adjusted by a punchayet on the spot. The Collector, in these cases, assembles the punchayet through the village or district Moonsiff, and has no power beyond that of confirming or annulling its decision.

53. The Commission having explained the principles on which each of the Regulations, from No. I. to VI. inclusive, have been framed, proceeded to offer a few general remarks applicable to the whole.

54. No replies or rejoinders are admitted in the village and district courts, or supplemental pleadings, because the less the proceedings of the native courts are clogged with forms, the better will they be understood, and the better suited to the original institutions of the country. No Vakeels are to be acknowledged in any Moonsiff's court, or before any punchayet, unless he be a relative, servant, or dependent of the party he represents. The Sudder Aumeens being attached to the zillah and provincial courts, the pleadings before them will be carried to the same extent as in those courts, by the authorized Vakeels of the zillah courts, under the existing Regulations. By the practice of the civil and criminal

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.min· ourts, oaths are so generally required on trivial occasions, that they e no ger held in any estimation, for which reason the usage of the country as b followed in giving a latitude to the village Moonsiff and village and distric unchayets, to put such witnesses only on their oaths as they may think ving their evidence correctly; and to obviate the delays and expense ng from the summoning too many witnesses, a discretional power is left to them to examine only four witnesses on each side, in any suit where they may not deem any further evidence necessary. The village Moonsiff, in order to support his authority, is authorized to impose a fine of half a rupee, and the district Moonsiff a fine of one rupee. When a witness refuses to give his evidence, the village Moonsiff is empowered to fine as far as five rupees. The district Moonsiff may, in such cases, fine to what extent he may deem proper, subject to the approbation of the zillah Judge; and with the view of maintaining the authority of the Moonsiff, and of relieving the zillah Judge from the superintendence of trifling matters, to which he cannot attend without injury to more important duties, the Moonsiffs are empowered to levy the fines which they impose. The Moonsiffs are empowered to carry into execution their own decrees, and the decrees of the village and district punchayets, to a limited amount; and being amenable to the zillah courts for any abuse of authority, it will prove a greater check upon them than upon the Nazirs of the courts, their deputies or Peons, whose duty it is to enforce all orders and decrees of the courts, because persons injured will have less hesitation in carrying their complaints against Moonsiffs than against its own officers to the zillah court. By giving the district Moonsiff a per-centage on the amount of sales by auction, in satisfaction of decrees, parties cast will be induced to fulfil the condition of the decree without his interference, to save the per-centage; and when his interference is necessary, it will be his interest that the effects sold should yield the best price. As Section 23, Regulation XXIII. 1802, provides for Commissioners of districts being appointed when necessary, the district Moonsiffs have been exempted from that office, because their absence from their stations would occasion much delay to parties, members of punchayets, and witnesses. The village Moonsiffs and members of village and district punchayets are exempted from being summoned before any court, for any act done in their official capacity, unless corruption be proved, when they are liable to prosecution, because were they liable to be called to explain or vindicate the ground of their decision, on objections being made to them, all respect for their proceedings would be destroyed, and the police and revenue duties of the village would be impeded by their absence, and it would become difficult to assemble punchayets, from the fear of long and harassing journies to the zillah courts. The Regulations follow the principle of never admitting more than two trials in any suit; but should it be deemed advisable to admit of special appeals, they might be confined to matters of general interest, otherwise parties, when they see them granted in one instance, might be led to expect them in another, and a ruinous litigation would be promoted.

55. The Commission observed, that in framing the Regulations, they had endeavoured to adapt them to the manners and institutions of the natives, and that the experience of a few years will determine whether they prefer courts founded on their own institutions or on those of Europe, and that the agency of Moonsiffs and punchayets ought not to be regarded only in the narrow view of their utility in settling causes, but of their influence in improving the character of the people, and attaching them to the British Government.

56. In remarking upon the police Regulation, the Commission observed, that Regulation VII. is founded chiefly on the one which was drawn up by the Police Committee in 1814, by making such additions and alterations as were necessary to adapt it to the change of system introduced. By placing the police under the control of the Collector, all subordinate gradations of police officers are included in two classes, the village and district. The Zemindar belongs to the district establishment, and where there is no Tehsildar, supplies his place, with equal or diminished authority, as may be most expedient. No power is entrusted to the Collector which is not absolutely necessary to enable him to carry on the duties of police; and where heads of villages and Tehsildars are authorized to punish for petty offences, it is solely with the view of preventing

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preventing the offender from suffering a greater punishment, by being sent many miles to the Magistrate, and kept several days from his home. The Regulation requires that all village watchers, who are not now hereditary, shall be made so, and that a part of their inheritance shall be in land, in order to give them a greater interest in the village; and that the police and revenue Peons shall no longer form a separate establishment, but be incorporated and employed in both duties, without distinction. This union of both departments will not only effect some saving, but render them more efficient, by having no motive for opposition and counteraction, and by doing away the petty village vexations and espionage, which prevailed while the charge of the village police remained under Thannadar's Peons. The Commission observed, that after the union of the revenue and police establishments, it will, in some districts adjoining the territories of the Mahrattas and the Nizam, still be necessary to keep up a small body of Peons, not to prevent theft and robbery, but to guard them from being plundered; and that, as they think that the inhabitants ought to be armed, they have made no provision for supplying the police Peons with arms, which they must bring and take care of themselves, by which Government will be saved from an useless expense: that the police Regulation does not fix the rates of hire, except with regard to coolies, palanqueen bearers, draught and carriage cattle for the use of travellers, and detachments of troops, and that the union of the revenue and police establishments will further simplify the duty of supplying troops on the march, and render it less liable to delay and mistakes.

57. These Regulations having been referred, as already observed, to the Sudder and Foujdarry Adawlut, a copy of their proceedings thereon, with their revised drafts, were transmitted by Government to the Commission for their consideration and report.*

58. The Commission stated in reply,† that they had carefully considered the Sudder Adawlut's proceedings and re-drafts, and that it would be sufficient that their explanations extended to such matters only as are of real importance. In order to furnish a clear view of the material points in which their revised drafts, which they then submitted to Government, differed from their original drafts, as well as from those of the Sudder Adawlut, the Commission went through them in succession, noticing each deviation, and assigning the reasons which induced them to adopt or to reject the supposed amendments.

59. The Commission stated, that the most material points of difference between their revised and original draft of the village Moonsiff Regulation lay in depriving him of jurisdiction in matters of real property, and making his decision final in cases of personal property not exceeding ten rupees: that the arguments of the Sudder Adawlut against village Moonsiffs' having jurisdiction over real property are, that cases of inheritance must be referred to the opinion of the law officer of the zillah court: that the village Moonsiffs were not competent to make those references in a proper form: that the time of the law officer would be unprofitably occupied in unravelling many ill stated cases. The Commission yielded to these arguments, because, though the Hindoo laws of inheritance are so simple as to be as well understood by the heads of villages as by the pundits of the courts, yet as the Mahomedan laws of inheritance and succession are intricate, some cases of Mahomedan landed property might require reference to the Court. The Commission observed, that though the Court of Directors do not propose that the decisions of the village Moonsiff shall be final when acting on his own authority, yet as they recommend that his reference jurisdiction shall, like that of the district Moonsiff, be final to the extent of eighty rupees, and as this reference jurisdiction has not been given to him, the authority proposed to be vested in him, by making his decisions final in suits for personal property not exceeding ten rupees, will not be greater than what was recommended by the Court.

60. The Sudder Adawlut objected to the retrospective jurisdiction of twelve years given to the village Moonsiff, and suggested that the period should be limited to two years, "on the ground that the effects of a like provision, by the Regulation of 1802, was to burthen the courts with twelve "years'

* Letter from Mr. Secretary Hill, 1st March 1816.
† Letter to the Chief Secretary, 20th April 1816.

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" years' arrears of business, which had accumulated under the defective insti- " tutions of the native Government." The Commission adhered to their former opinion of the necessity of twelve years' retrospective jurisdiction, because most of the petty suits which will come before the village Moonsiffs had ori- [illegible]d had been accumulating since the establishment of the zillah [illegible] the difficulty and expense of trial being greater than the matter was worth, and because it was but just that our judicial system should make provisions for the discharge of arrears which it had been the means of accumulating.

61. The Commission adhered to their original draft, in authorizing the village Moonsiffs to send verbal summonses to parties and witnesses, instead of the written summonses proposed by the Sudder Adawlut. They observed, that their reasons were fully stated in Mr. Stratton's minute on the proceedings of the Court, in which the inconvenience that would attend the use of written summonses in petty village suits was shewn: that were they even satisfied that written summonses would facilitate the decision of village suits, they would not recommend their adoption, as they would gradually teach the inhabitants to question every verbal order of the head of the village, which they formerly always obeyed, and in general still obey without hesitation, and which ready obedience was indispensable to the good management of the village.

62. The Commission conformed to their original draft, and differed from the redraft of the Sudder Adawlut, in letting a suit be decided by the oath of one party when the opposite party agreed to abide by such oath. The Sudder Adawlut observed, that "the determining of a question by the oath of one " party would be introducing a new principle into the code." To introduce a new principle into the code was precisely what the Commission meant to do, because the introduction of principles which were followed by the natives in the adjustment of their differences, and which were respected by them, would improve the code. The Sudder Adawlut thought it worthy "of consideration, " whether the passing of decisions on the oath of a party, unsupported by wit- " nesses, will not tend to encourage perjury;" but it did not appear how perjury was to be promoted by only one person swearing, more than by two or more swearing contrary to each other. The man who agreed to rest the truth of his claim on the oath of another must have some confidence in his veracity; if he had not, he would follow the usual course of letting the matter be decided by the examination of witnesses.

63. The Commission conformed to the redraft of the Sudder Adawlut, in having the number of witnesses unlimited; not from thinking that, in petty suits within ten rupees, four witnesses on each side were not sufficient for every purpose of evidence, but because, having done away appeals from the village Moonsiff's decisions, it was no longer necessary for him to take written evidence, and oral evidence requiring little time the restriction on the number of witnesses might be given up without inconvenience.

64. The Commission adhered to their original draft, in leaving to the village Moonsiff the discretionary power of causing an oath to be administered to a witness, where he thought he was not giving his evidence correctly; but in order to put the witness on his guard against perjury, which the Sudder Adawlut apprehended he might be led into, the Commission provided in the revised Regulation, that the village Moonsiff should, previously to the examination of a witness, warn him of his authority to put him on his oath if necessary.

65. The Sudder Adawlut remarked, on the village Moonsiff levying the fines which they may impose, that the power of levying fines, by all former enactments in the Madras Judicial Code, can only be exercised through the intervention of the zillah Judge. The Commission, in a former report had fully stated the reasons for giving that power to the village Moonsiff, and saw no cause to change their opinion of its expediency; but they lessened the time of imprisonment, in commutation of fines, from twenty-four to twelve hours.

66. The revised village punchayet Regulation differed from the original draft in the following points. In order to lessen the motives to corruption, the compulsory power of the village Moonsiffs to cause any suit, not exceeding one hundred rupees, to be tried by a punchayet on the application of only one party,

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party, was taken away from him, and he was permitted to order a cause to be tried by a punchayet only when both parties agreed to abide by its decision, consequently there can now be no appeals.

67. By the original Regulation, the zillah Judge could annul the decision of the punchayet, when corruption or gross partiality was proved to his satisfaction. By the revised draft, in cases of gross partiality, proved to his satisfaction, he was to refer his proceedings and opinion to the provincial court of appeal, who, if they concurred in his judgment, were authorized to annul the decision of the punchayet. But in cases of corruption only, the Judge could not annul the decision; but the corrupt party was liable to prosecution, as there might be a corruption of one or two members, and the decision of the majority still be right. If corruption produced a partial decision, the charge of partiality being proved would overturn the decision: if it had not produced a wrong decision, the corruption was liable to punishment on a prosecution. By the revised draft, also, when a decision was annulled for gross partiality, if the same decision were given in the same case by a second punchayet it was final, as decisions ought always to be final somewhere; for the second punchayet, with the advantages of local inquiry, caste, and language, had at least as good means of forming a correct judgment on the merits of the case as a distant provincial court.

68. The Sudder Adawlut made the greater punchayet appointed by the Moonsiff applicable to limited suits only, and the smaller punchayet of five members, chosen by the parties and Moonsiffs, applicable only to unlimited suits. The Commission rejected this change, and adhered to their former Regulation, because the members of the smaller punchayet, chosen by the parties, were apt to become parties themselves, and because the leaving all the greater suits to this punchayet would only tend to prevent their adjustment, and to force the parties, however unwilling, to the zillah courts.

69. The Commission adhered to their original draft, in leaving to the punchayet the power of causing an oath to be administered to a witness at discretion; but the punchayet were to inform every witness, previous to his examination, that they had such authority.

70. The Commissioners' revised district Moonsiff Regulation differed from their former one: First, in not limiting the number of witnesses, because the restriction of the examination of witnesses to four on each side had been done away in the village Moonsiff Regulation; secondly, in extending the final jurisdiction of the Moonsiff to twenty rupees, the village Moonsiff's final jurisdiction having been extended to ten rupees, and twenty rupees being nearer the limitation of five pagodas recommended by the Court of Directors; this extension seemed also to be required for the purpose of expediting the process before the district Moonsiff, by enabling him to dispense with written depositions in all suits under twenty rupees, in consequence of the limitation of the number of witnesses being given up; thirdly, in making the district Moonsiff examine witnesses on oath, because as appeals lie from his decision to the zillah court, where the witnesses must be examined on oath, it is better that he should follow the same rule; fourthly, in the mode of summoning defendants and witnesses employed in the preparation of salt and the Company's cloth investment, through the public officers under whom they were employed. This form was inadvertently adopted from the Bengal Code; but as no such form had been admitted into the judicial code of this Presidency, and as there seemed no sufficient ground for making that distinction between those persons and the rest of the natives, the Commission rejected it in the revised draft; fifthly, in the pay of the district Moonsiff, which in the first draft was made conditional, was made positive in the revised one, because such a provision seemed to be necessary to encourage men of respectability to hold the office, and be more consistent with the instructions of the Court of Directors.

71. The Commission adopted the Sudder Adawlut's definition of landed property, which is rather an amplification than an alteration of the one hitherto in use. The description of landed property contained in the Commissioners' Regulation was taken from the code, and yet the Sudder Adawlut observed, "the Section does not describe correctly the nature of the property which is "intended

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"intended to be made subject to the cognizance of the village Moonsiff." The Commission did not think it necessary to look for a new definition, because that of the code had been acted upon, from its first introduction to the present day, without any apparent inconvenience.

72. The remark already made on the differences between the original and revised drafts of the village punchayet Regulation are equally applicable to those of the district punchayet, it having been deemed expedient to assimilate both Regulations.

73. The Commission restored the Sudder Aumeen Regulation to the original state of their first draft. The Sudder Adawlut made the number of Sudder Aumeens unlimited: the Commission confined the office to the Hindoo law officers of the provincial courts, and the Hindoo and Mahomedan law officers of the zillah courts, with the view of giving respectability to the office, as well as of saving expense. The Sudder Adawlut referred the Sudder Aumeen to upwards of twenty sections of the district Moonsiff Regulations: the Commission referred him to the whole code, because it is conformable to the practice of the Regulations in regard to native Commissioners, because the Sudder Aumeen being an officer of the court, ought to follow the rules and forms of the zillah court, and because he is supposed from his situation to be acquainted with the whole code.

74. The revised boundary-dispute Regulation differed from the original draft in not limiting Collectors' jurisdiction to disputes between villages respecting their boundaries, but extending it to disputes regarding boundaries in the same village. The Commission made the extension, because the letter of the Court of Directors, on a further consideration of its object, did not appear to limit the jurisdiction to village boundaries, and the Regulation to which it referred speaks of boundaries in general; because all boundary disputes can but be settled by local inquiry under the Collector, because having taken away the jurisdiction of the village punchayet in suits for land, it was the more necessary to employ them in the settlement of boundary disputes, which are merely matters of fact, and of which their residence on the spot makes them competent judges, and because much facility will be given to the adjustment of these suits.

75. In the revised, the Commission differed from the original Regulation in adopting part of the forms of process proposed by the Sudder Adawlut, in allowing the Collector to annul the decision of a punchayet on proof of partiality, but not of corruption, for the same reasons for which the power of the provincial court, in this respect, had been limited, and in making the decision of a second punchayet, confirming that of a former one, final.

76. In the revised police transfer Regulation, the Commission adhered, in every material point, to their first draft, and restored the sections rejected by the Sudder Adawlut. The Sudder court seemed to think that the section which authorizes the Collector, where riotous assemblages are formed in consequence of disputes respecting the right of ploughing any particular fields, to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated, while the trial which the parties may seek is depending, "authorized the Collector to transfer to any "claimant lands which might have been cultivated for ages by one family in "succession." They observed, that this Section "cannot guard any right, can-"not serve the purpose of justice, but may give a temporary success to in-"justice." The Commission remarked, the Collector, in the first words of the section, is authorised to prevent the forcible occupation or seizure of land or crops, and it is not therefore easy to see how he could, without a breach of the Regulation, dispossess the ancient family of ages, or even the occupant of a single season. The provision was meant for disputes about the occupancy of sirkar land lying waste, or uncultivated and unoccupied, and open to the first comer. The Commission, therefore, enlarged and restored the section, because it was required, in order to follow up the orders of the Court of Directors respecting the forcible seizure of lands and crops.

77. The Commission adhered to their original Regulation, and differed from the redraft of the Sudder Adawlut, in dispensing with the use of stamped paper

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paper in complaints for petty offences to the Collectors and police officers, because the police being founded on the ancient usages of the country, there should be no unnecessary expense or form to impede the communication of the Superintendents of police with the inhabitants: in allowing no order to be issued to any police officer, except by or through the Superintendent, both with the view of preventing the collision of authority alluded to by the Court of Directors, and of giving more efficiency to the police: in authorizing the Superintendent of police to release persons brought before him charged with offences, when he saw no ground for detaining them, without recording any reason, because to record his reason, in all such cases, could only serve to waste his time unprofitably, and to accumulate useless records: in not requiring oaths of office from the Collector and his Assistant, for the reasons stated by Mr. Stratton in his minute, and because, if his oath, as Collector, was not deemed sufficient, it might be altered, so as to make it answer for both offices.

78. The Commission having stated all the material points in which their revised differed from their original Regulations, or from the drafts of the Sudder Adawlut, and given such explanation as appeared necessary, proceeded to offer a few observations, in answer chiefly to the objections to the village Moonsiff Regulations brought forward by the Sudder Adawlut.

79. The first objection stated by them was, that the Commission, in their first Regulation, "provide the renter or Collector of the rents or revenue, and "not the Potail, shall be the Moonsiff." The Commission did not say that the renter, and not the Potail, shall be the Moonsiff, but that the Potail, wherever he exists as Potail, shall be the Moonsiff, and that the renter or Collector shall be the Moonsiff only where the Potail has been set aside, and when the renter or Collector does, in reality, act as Potail: that a Potail who has not the village servants under his control, and who does not collect the rents and direct the affairs of the village, is no longer Potail: that the person who succeeds to this office is the Potail: that the Honourable Court of Directors propose that the heads of villages, by whatever name designated, shall be invested with judicial powers; but that where the former heads of villages have been removed, they do not mean that these powers shall be withheld from their successors, merely because their successors may occasionally be men of different caste from, or of less respectability than their predecessor: that when a Potail has been removed, to make room either for a renter or a proprietor of the village, he sinks to the rank of the common Ryot: that to constitute him Moonsiff would throw the affairs of the village into complete disorder, and hinder both the distribution of justice and the realization of the revenue: that he would exert all the influence of his new office to impede cultivation, and to encourage the Ryots to withhold their rents, in the hope of injuring the rival by whom he had been supplanted, or of compelling him to give up the village: that the village servants, when wanted by one for police or judicial affairs, would be called away by the other for those of revenue, and a collision of authority, most detrimental to the country, would be established: that constituting the head of the villages, the village Moonsiff, whether he be the ancient head of a new renter, proprietor, or agent, will not introduce so many strangers to the office of village Moonsiff as may at first sight be imagined, and that the removal of the ancient heads would not probably amount to one in twenty.

80. The Sudder Adawlut remarked, that the renter who derives his profits from the labours of all the cultivating classes of the village cannot be uninterested. The Commission answered, that it may be said that the office of renter does not prevent the Moonsiff from doing justice between tenants: that there can be no great motive to corruption in a few suits of ten rupees: that if the Ryots doubt his impartiality, he will ask a punchayet, or apply to the district Moonsiff or a zillah court. "Still less," said the Sudder Adawlut, "can impartiality be expected from the hireling employed to collect the dues of the "Zemindars: he will too frequently, it is to be feared, make his profits by "relaxations of his master's right to be purchased by the cultivators, and the "best customer will doubtless be most in favour with him." To this it was answered, as far as regards the injury to the Zemindar, he may safely be left to take care of his own rights, and that he would do by removing his hireling agents.

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agents. With respect to the injustice to the Ryots, they can have recourse to other tribunals, and the Moonsiff is liable on prosecution to fine and damages.

81. Another difficulty, in the opinion of the Sudder Adawlut, was, that the situation of renter, or Collector of the rents, is not permanent in one person; and in order to shew from how many causes it was liable to change, they observed, "that the very circumstance of a man's giving more attention to settling justly the differences of his neighbours than to his own concerns, might be the cause of his being ousted from his farm, by virtue of which he exercised the judicial authority." This case, of a Moonsiff losing his office from an excessive love of justice, is certainly not provided for.

82. The Sudder Adawlut observed, that "the farmer may fail and be removed, and frequent changes of Moonsiff take place." It was answered, that these changes will be few, in comparison with the numbers that will not be changed; and even when they occur, the successor will probably be some principal Ryot of the neighbouring village, quite equal to the task of deciding two or three petty suits in a year. The Sudder Adawlut further remarked, "that the situation of Moonsiff is still more liable to change, when held by the agent of the renter, than when held by the renter himself, because caprice in the renter may furnish the village with a new Judge every month." To this it was said, that the common sense of the renter, and his regard for his own interest, will deter him from committing the management of his farm to a new agent every month; but even supposing this extreme case should actually occur, the monthly Moonsiff would have time enough to settle a petty suit, which would seldom require more than a few days, or a few hours.

83. The next point on which the Sudder Adawlut adverted, was the exemption from all superintendence and control which the village Judge is to enjoy, and his retaining his authority so long as he is the renter or Collector of the rents, "although he may, in a hundred instances, be proved grossly venal." The Commission answered, that the village Moonsiffs are amenable to the zillah court for all acts of corruption and oppression, and are not exempted from wholesome control, but from such control or interference as would deter them from doing their duty, and render their office inefficient. The zillah Judges have neither means nor time to inquire into the negligence, or to ascertain the capacity of from one to a thousand village Moonsiffs. The capacity which is equal to the management of a village, will most likely be found adequate to the settlement of two or three, or even a dozen ten rupee suits in the year. If double the number of suits which in a year come before the native Commissioners be brought before the village Moonsiff, it would scarcely, on an average, give two to each Moonsiff; and he can hardly be grossly venal in a hundred instances, when he is not likely to have the trial of a hundred suits during his whole life. The Moonsiff cannot be removed where he is a renter or proprietor of a village, nor ought he to be removed even where he is merely a Potail collecting the rents of Government. To allow such removal, would promote the feuds which are so violent among some families for the office of Potail, and would encourage perjury for its attainment. The time of the Judge would be uselessly wasted in hearing unfounded charges. He would not easily be able to guard against the frauds that would be adopted, and might sometimes remove a man not guilty, and more injustice and corruption would thus be produced, than that which it was meant to obviate.

84. The Sudder Adawlut observed, that to make the Potails discharge judicial functions will be regarded as an imposition of new duties, or as the renewal of obligations which none of the parties wish to have renewed. The Commission observed, that they had, in a former report, stated their opinion on the obligations of the Potail office, and that, with respect to the parties not wishing to have them renewed, it does not follow the natives had no desire for a privilege, because they had made no complaint of its deprivation: that Potails and village servants, though they sometimes complained against the officers of Government, never complained against what they considered as the acts of Government, lest it should be regarded as opposition to Government: that as the natives believed that, in consequence of the Judicial code, no suit, however trifling, could now be settled, except under the authority of the zillah courts,

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courts, it had become necessary to make Regulations to restore to the natives their ancient privileges of having their disputes settled by the head of the village or a punchayet, when they choose this mode; in furtherance of which object, the Potail, whether he be willing or not, should be required to discharge all the judicial, revenue, and police duties belonging to his office, as head of the village.

85. It was thought by the Sudder Adawlut, that by constituting the Potail or renter a referee and arbitrator merely, the evil consequences of the exemption from the punishment of dismissal would not be so formidable, "because " to a village referee or arbitrator, whose profligacy or incapacity had been " ascertained, the zillah Judge would not refer causes for decision." It was answered, that all that is here said about arbitration was already provided for under the existing Regulations, but it appeared to have been very rarely acted upon: that the general complaint of the Judges was, that the parties had no confidence in arbitrators, and that they had already more to do than they could attend to, without a correspondence to ascertain the profligacy or incapacity of so numerous a body as the Moonsiffs: that to make it necessary in petty suits within ten rupees, the extent of the Potails' jurisdiction, to repair, in the first instance, to the zillah Judge, would prevent such suits from being settled at all, as even the certainty of gaining the suit would not compensate for the trouble and loss of time incurred by going to the zillah court.

86. The Sudder Adawlut recommended, that " where there are two or more " joint renters or collectors of rent, each claiming the office, the nomination " shall be made by the zillah Judge instead of the Collector, because, as he " appoints the district Moonsiff, the same provision should be made applicable " to the village Moonsiff." It was answered, that the district Moonsiff is an officer purely judicial, acting entirely under the orders of the zillah Judge. The village Moonsiff is a revenue officer, who exercises judicial authority only in virtue of his revenue office. His revenue business is constant, his judicial only casual, and as the Collector has always had the appointment of village revenue officers, this authority ought to remain with him.

87. The Sudder Adawlut recommend, that a Moonsiff should not be appointed to every village, but to a circle of from ten to twenty miles, according to the population: the Commission replied, that this is already provided for by the code, and appears to have been only partially done. It is therefore to be inferred, that the Sudder Adawlut have found some difficulty attending the plan, and that it can hardly be necessary to attempt the introduction of a similar one on a more extensive scale, as it would not be the village Moonsiff Regulation proposed by the Court of Directors.

88. The Sudder Adawlut observed, " that they have not deemed themselves " at liberty to deviate, in any essential point, from the principles on which the " proposed Regulations appear to have been framed." It was answered, that they had made one essential deviation in the punchayet Regulation, where they confine the trial of unlimited suits to the punchayet of five members, which would increase the chances of corruption: that they had noticed several trifling innovations in the judicial code, but had made no objection to one of the most important, that by which the village Moonsiff was authorized to carry his own decrees into execution, and to attach property for that purpose, which would have an extensive and beneficial influence in facilitating the recovery of just debts: that the difficulties seen by the Sudder Adawlut originate in their viewing the Potail, not as what he is, a head Ryot engaged in agriculture, and deciding one or two petty suits in the year, but as a regular Judge, solely occupied in hearing causes from one end of the year to the other: that they speak of his sitting in open court, of the respectability of the judicial character, of preserving the purity of these inferior judicatories, of his conscience not being bound by an oath, of his being subject to no control, and of the ease with which he may convert his power into an engine of oppression. The Commission observed, in reply, that the evil or the good that any one village Moonsiff can do will be trifling: that oppression will seldom be in the power of any one of them, and is sufficiently open to punishment: that good will be within the reach of them all, and that however little may be done by them individually, the

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the aggregate will be great: that the proposed Regulations cannot impede, but will assist the operation of the judicial system, and they therefore recommended that they be passed by the Right Honourable the Governor in Council.*

89. These Regulations were accordingly passed by Government with certain amendments.† The printing of the village Moonsiff and village punchayet Regulations being completed, the Commission suggested that a sufficient number should be circulated for the information of the Judges and Collectors, and that copies should be sent to the translators to Government, to be translated into the native languages as soon as possible.

90. A letter from the Honourable the Court of Directors, under date the 20th December 1815, having been in the interim received, a copy of that dispatch was sent to the Commissioners for their information, with orders to suspend the printing of the Regulations respecting the boundary disputes and the police, and to submit other Regulations in their room, conformably to the instructions of the Court of Directors.

91. The Court approved of the tenour of the instructions which were issued to Colonel Munro, on his appointment to the office of First Commissioner of internal administration for the Madras provinces, and confirmed the appointment of Mr. George Stratton as Second Member of the Commission, and Third Judge of the Sudder Adawlut.

92. The Court much approved of the latitude given to Colonel Munro, to extend his enquiries to the revenue as well as the judicial branch of the administration, and directed that the Judges and Collectors do facilitate the investigations of the Commissioners, not only by unreserved communications, but by directing all their subordinate officers, together with the Potails, &c. of villages, to furnish every detail of information which the Commissioners may think it proper to call for.

93. The Court proceeded to notice the result of the deliberations of Government, as exhibited in their Consultations of the 1st March 1815, on the Court's Judicial dispatch of the 29th April 1814, and observed, they had been gratified to find that, with the exception of one point respecting the transfer of Magisterial functions to the Collector, there was no material difference between Colonel Munro's understanding and the interpretation given by Government of their instructions. The Court, however, stated, they had no hesitation in declaring their intention to have been, that the transfer should take place in the sense and to the extent supposed by Colonel Munro, to include not merely the superintendence and controul of the police, but the whole duties of Magistrate, which they directed should be carried into effect, so as that the zillah Judges might be enabled to give their whole time to the administration of civil justice. The Court, however, at the same time observed, that they should not be averse to leave to the zillah Judges a concurrent power to act as magistrates, in conjunction with the Collectors, provided it could be effected without risk of collision between the two authorities.

94. The Court directed provisions, to be incorporated in the Regulation to be framed by the Commission under the eighteenth Resolution of Government, authorizing the Collector, in the first instance, to hear and determine all disputes respecting the occupying, cultivating, and irrigating of land, which might arise between the renters and their Ryots.

95. The Court directed, that should the Government not feel prepared to adopt the principle to empower Collectors to hear and determine disputes between Zemindars and renters, and the Ryots, respecting revenue collections, to take the earliest opportunity of collecting the opinions of the Sudder Adawlut, the provincial and zillah courts, the Board of Revenue, the Collectors, and the Commission, on the measure. The Court, however, observed, that it was not their intention to give to Collectors a power of deciding upon complaints, which might be preferred either against themselves or the native officers of Revenue under them.

96. The

* Letter from Mr. Secretary Hill, 17th May 1816.

† Regulations IV. V. VI. VII. and VIII. of 1816.

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96. The Court observed, that they were fully persuaded that the Commissioners would be influenced alike by duty and attachment to their service; to strengthen and uphold the legitimate influence of all the constituted authorities of the Government, and that it would have been a much more preferable course to have passed and circulated the Regulations without delay, and to have left the matters of detail, specified in the first and eighth articles of the minutes of Consultation of the 1st March 1815, for subsequent inquiry and adjustment, as was proposed by the Commissioners, in their letter of the 28th March, and which course they desired might be adopted.

97. In consequence of Mr. Secretary Hill's letter of the 25th May, the Commissioners directed the printing of the police and village boundary Regulations to be suspended. The district Moonsiff, the district Punchayet, and the Sudder Aumeen Regulations being printed, they recommended that copies of these Regulations should be immediately circulated, for the information of the local authorities: that copies should be sent to the translators, with directions to translate hem as soon as possible, and the Commission requested that a printed copy of each translate might be sent to them.

98. The Commission having learnt from the Inspector of the Government press, that considerable unavoidable delay would be incurred by the printing of the translations of the Regulations, and from respectable natives, that the Malabar and Gentoo types were in so bad a state as to render the printed Regulations almost illegible, stated, that the Regulations in manuscript would be more easily understood by the natives, and suggested that the translators should be directed to send them twenty-five authenticated manuscript copies of each Regulation, to circulate the more speedily to the local authorities.

99. In consequence of the orders of Government of the 25th May, to suspend the printing of the Regulations respecting the boundary disputes and the police, and to frame other Regulations in their room, conformably to the orders of the Court of Directors of the 20th December 1815; the Commission submitted to Government the drafts of three Regulations, namely, one for the office of Magistrate, one for the office of criminal Judge of the zillah, and one for the police.

100. In framing these Regulations, the Commission adhered as closely to the instructions of the Court of Directors as was practicable, without involving inconveniences which the Honourable Court appeared desirous to prevent. The Court recommend the employment of the zillah Judge in criminal matters, to enable him to hear and determine all cases of public offence, not of a capital nature, and now cognizable by the courts of circuit only, which might be brought before them by the Collector in his magisterial capacity, with a limitation, in regard to corporeal punishment, to fifty rattans; in regard to fines, to two hundred Arcot rupees; and to imprisonment, to one year. Powers so extensive were not given to the zillah Judge in the new Regulation, because as the circuit Judges have for some years completed their circuits within the limited period, they are not now necessary; but he is constituted criminal Judge of the zillah, with the additional powers granted by Section 12, Regulation IV. 1811, and with the exclusive authority of committing offenders for trial before the court of circuit.

101. The Honourable Court direct the transfer of the duties of Magistrate to the Collector to be carried into effect, so as that the zillah Judges may be enabled to give their whole time to the administration of civil justice; but they also state, that they will not be averse to leave to the zillah Judges a concurrent power to act as Magistrates, in conjunction with the Collectors, provided that this can be effected without risk of collision between the two authorities. The Commission being persuaded that this concurrent jurisdiction could not be exercised without producing collision, have not given it to the zillah Judge; but, in place of it, they have given him, as before-mentioned, the powers vested in Magistrates by section 12, Regulation IV. 1811, the commitment of offenders and the preparation of all papers for trial before the court of circuit, and the charge of the jail; but he can issue no warrant, or exercise any authority beyond his own court, except in summoning witnesses, as in civil cases.

102. The

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102. The Collector will be sole Magistrate of the zillah, without any concurrent jurisdiction, and with the powers originally vested in Magistrates by Sections 8 and 9, Regulation VI. 1802; except in the case of corporeal punishment, which is limited to eighteen instead of thirty rattans for petty theft. He will hear and determine all offences against the existing revenue laws of customs; tobacco, spirituous liquors, &c. and cause to be tried all disputes respecting boundaries, the occupation of land, and the appropriation of water for cultivation. When the extent of all these duties is considered, it will be evident that, in the division of duties between the criminal Judge and the Magistrate, the Commission have assigned to each that share which is most likely to prevent collision and to render their respective offices efficient.

103. The Commission observed, that the drafts of the two Regulations for the criminal Judge and for the Magistrate of the zillah were framed almost entirely from the Regulations for the office of Magistrate, in the code, with regard to offences which are criminal from their nature; but all those Regulations in the code regarding the police in military cantonments and military bazars, and facilitating the progress of detachments, and all those by which certain offences against the revenue laws of customs, tobacco monopoly, spirit licences, &c. are rendered criminal, were left untouched, and merely referred to because they are liable to frequent change. The Regulation for the trial of native subjects of the British Government charged with crimes or misdemeanours out of the Company's limits, was also left untouched, because in such cases a different process is directed to be observed.

104. The draft of the police Regulation differed from that formerly sanctioned by Government, only in such alterations as were requisite for the purpose of adapting it to the extended authority of the Magistrate, in place of the more limited authority of the Superintendent of police.

105. The Commission next noticed such alterations in each draft from the code as required explanation.

106. In the case of resistance to the Magistrate's process, the power of Government is by the code, in one case, absolute, without any previous report from the Fouzdar Adawlut, but in another their report intervenes previous to the final determination of Government. The Commission made the matter, in both cases, referrable to Government direct for their decision, there being no sufficient reason for incurring delay in the one case more than the other, and because the decision of Government should be prompt, whenever the authority of the Magistrate is to be supported.

107. By Regulation XIII. 1809, if a proclaimed offender surrender within the time limited, he has all the benefit of a trial; but if he surrender or is apprehended after the time, it is only necessary to identify his person, and to be satisfied of his contumacy, in order to sentence him to be imprisoned and transported for life. The Commission have given him a regular trial in both cases, because they see no cause to justify the continuance of so extraordinary and severe a law, which cannot now be admitted to be necessary, unless it be also admitted that the state of the country and of the police is worse than it was from the first promulgation of the code in 1802 down to 1809, when no such law was required.

108. Some sections of the same Regulation are rejected, by which, among other penalties, persons convicted of affording to the proclaimed offender lodging, money, grain, or other supplies, are liable to forfeiture of their estates; because such aid is often furnished from the dread of assassination, or from not knowing of the proclamation, and because the punishment holds out encouragement to private animosity.

109. The Commission made the rewards of one hundred rupees for heads of gangs of robbers, which were payable only on the authority of the court of circuit, payable by the Magistrate on his own authority, because he ought, as well for the maintenance of his authority as for the sake of saving time and avoiding useless references, to be allowed that discretionary power; and the Commission authorized the Magistrate to remove police officers from one station to another, without reference to any authority, because it is essential to the efficient discharge

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charge of his duty that he should be able at all times to employ them, wherever their services may be most useful.

110. All the alterations of any consequence in the rules of the code, which regard the office of criminal Judge, are as follow:

He is exempted from any cognizance of crimes committed by European British subjects, because the 53d George III. section 105 and 106, speaks of the Magistrate only.

All the reports required, which before were monthly, are made quarterly, because the same object of controul may be attained and labour saved by this arrangement, and other reports not deemed necessary are discontinued.

111. In the draft of the police Regulation, the Commission made complaints for abuse of authority of police officers cognizable by the Magistrate only, because it will give more efficiency to his office. If it be urged that the Magistrate will be partial to his own servants, and may overlook their offences, the injured party will still have the same remedy that he has now, by an action for damages in the civil court; and he will be the more likely to seek it than he is at present, because, as the Judge and Magistrate will hereafter be two distinct persons, he will not have the same motive to distrust the success of a civil suit on the failure of a criminal charge for redress, as he would, were the Judge and Magistrate the same person.

112. As by the Regulations which the Commission has been ordered to prepare the zillah Judges will be relieved from a great share of their present duties, the Commission stated it as their opinion, that there cannot exist the smallest necessity for the continuance of the Assistant Judges, and that they ought to be done away, as recommended by the Court of Directors.* The Commission also suggested, that the office of Judge at Cochin should be done away, as it was a place of little trade, and as it appeared by the judicial records that very little business came before his court.

113. The Commission recommended, that the drafts of the Magistrate and criminal Judge Regulations should be sent to the Foujdarry Adawlut for correction of any inaccuracy or omission.

114. The Commission having been directed† to report on the means which ought, in their opinion, to be adopted for carrying into effect the Regulations prepared by them and passed by Government, and also on the number and pay of the district Moonsiffs required for each zillah, observed in reply,‡ that the general circulation of the translations, and the appointment of the district Moonsiffs, appeared to them to be the best means of carrying them into effect; and they requested authority to forward manuscript copies of Regulations IV. V. VI. and VII. 1806, to each provincial and zillah court, with directions to the zillah Judges to prepare the number of copies that might be required for the district Moonsiffs of their respective zillahs; to forward copies of Regulations IV. V. and VII. to each Collector, with directions to furnish a copy to each of their Tehsildars, and to order the Tehsildars to assemble the Curnums, to take copies for the use of the head inhabitants of their several villages; or where there might be no Tehsildars, either to assemble the Curnums at his own cutcherry, for the purpose of taking copies, or to transmit copies to the Zemindars, with instructions to circulate them among their Curnums.

115. The expense of the district Moonsiff establishment proposed by the Commission amounted to Pagodas 22,440 annually, which, they observed, would be more than covered by the abolition of the four Assistant Judges and the court at Cochin, with their respective establishments; and the Commission recommended, that a list of the number and pay of the district Moonsiffs for each division should be sent to the provincial courts, with directions to proceed, in communication with the zillah Judges of their respective divisions, without delay, to the appointment of the district Moonsiffs.

116. The

* Letter from Court of Directors to Government, 29 April 1814, paragraph 104. † Letter from Mr. Secretary Hill, 8th June 1816. ‡ Letter to the Chief Secretary, 29th June 1816.

Mr. Stratton's Report, 21 March 1818.

116. The Commission were informed, in reply,* that the Right Honourable the Governor in Council had been pleased to fix the number and pay of the district Moonsiffs as proposed by them, and would cause the several provincial courts to proceed to appoint them as recommended, and that they were authorized to adopt the measures proposed by them for the circulation of the Regulations.

117. The Commission were subsequently furnished with an extract from the proceedings of the Sudder Adawlut,† respecting the suspension of the operation of the Regulation lately enacted, and were desired to frame the draft of a Regulation for that purpose, if deemed by them necessary: to which reference the Commission replied, that having received the sanction of Government to adopt the measures proposed by them for carrying into effect the Regulations, and Government having approved the establishment of district Moonsiffs proposed by them, the Commission had, in consequence, circulated the translation of the Regulations to the local authorities, and conceived that they were now in operation, and that any Regulation for suspending them was unnecessary.

118. On the 20th August 1816, the Commission submitted to Government their report on the information required by the first, eighth, and ninth Resolution of Government of the 1st of March 1815.§ The information required by those Regulations could be got only from the Collectors, by circulating forms of statements comprising all the details of information called for, together with a letter of instruction, pointing out the manner in which those forms were to be filled up. The Commissioners were aware, that from many of the districts accurate accounts were not to be looked for, because in some the requisite investigations had never been made, and in others the influence of the Zemindars, and the dependence of the Curnums upon them, would defeat the object of such investigations: but still they had reason to believe, that if the statements were carefully filled up, though the information might be defective, it would be all that could at present be known.

119. The accounts connected with the establishments of Potails and police officers were so voluminous, and so different in different districts, that to give a satisfactory explanation of them would have required a separate report for each district: the Commission, therefore, exhibited a general view of those establishments as they now exist, compared with what they were at the period of their falling under the government of the Company, and shewed the main points in which those of the principal divisions of the country varied from each other, and where they were defective they proposed the means best adapted for restoring them to their former efficiency.

120. The Commissioners stated, that Tanjore and Trichinopoly were the only districts in which the Collectors asserted that the villages had no head, and that in all other districts a head of the village was found, in some hereditary, in some appointed by Government or the Zemindar, and in some by the inhabitants: that although the office of Potail existed almost every where through the territories under the Madras Government, and was generally vested in one person, it was not always so, and that there were many villages in which it was vested in two or more persons, who acted jointly. For particulars on this head, the Commission beg to refer to the statement in their report.

121. The next subject for examination was, the willingness and the competency of the Potails to discharge the duties proposed to be assigned to them. As the Regulations defining those duties had not then been circulated, the Collectors had no standard to guide them in ascertaining the willingness or fitness of the Potails to execute them. Some of them gave this as the cause of not answering the Commissioners' questions on this subject; and those who answered them did it on the general idea which they might have formed of the duties to be imposed on the Potails from the Honourable Court of Directors' letter of the 29th of April 1814. Had their duties, however, been distinctly defined,

* Letter from Mr. Secretary Hill, 20th July 1816.
† Ditto, 7th August 1816.
‡ Letter to the Chief Secretary, 17th August 1816.
§ Ditto, 20th August 1816.

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defined, when the Commissioners' queries were circulated, the answers of the Collectors must still very often have been vague and indefinite, because, from the greatness of their numbers, there being from one to two thousand villages in a zillah, many Potails must, in the course of nature, have died, even during the inquiry, and been succeeded by others, whose fitness was not known. The Commission were convinced, they would be found as willing and competent to discharge their duties, as could be expected from any body of men equally numerous: that numbers of them would, undoubtedly, be found incapable; but observed, "that we should not look to the inefficiency of particular individuals, but to the general result of the services of all." Some of the Collectors said that they were not willing, others that they were willing but not fit; but the more general opinion seemed to be, that they were both willing and fit: and it is a strong argument in support of this opinion, that those Collectors who have had the best opportunities of knowing them, are those who speak most favourably of their employment.

122. The Commissioners prepared an abstract statement, showing the number of villages where Potails are competent, or not, in each collectorate, as far as could be ascertained from the returns received by them, the opinions of the Collectors being chiefly confined to their competency, to which they beg to refer.

123. The official mauniums and fees of the Potails have been very different at different periods, and as they were in many districts occasionally augmented as well as diminished under the native Governments, there was no fixed standard by which their proper amount could be determined; and as few of the Collectors had any means of ascertaining what fluctuations they had undergone under the native Princes of the country, it was thought advisable to confine the Commissioners' inquiries to their amount as they stood at the commencement of the Company's government in the several provinces, and as they now stand, and both which the Commissioners exhibited in a statement prepared by them to which they beg to refer.

124. The Commissioners observed, that the allowances of Potails are extremely unequal in different collectorates; that in some they are chiefly in money, in others in land, and that in some there are none: that where those allowances have been done away, or are much below the usual rate of the districts to which they belong, the Potails obtain a compensation, by holding their lands at a more favourable rent than the ordinary standard, or the person who acts as head of the village is remunerated for his services by a voluntary contribution among the Ryots or Meerassadars: that it does not therefore follow, that the Potails have no official allowances, because they are not shewn in the accounts, or that it is necessary, in such instances, to make any new grant under this head: that wherever it has long been customary to pay the Potails, either by a reduced rent or by a contribution among the Meerassadars, it may be assumed as a certainty, that the circumstance has entered into the calculations both of Government and of the inhabitants, and that the assessment has, in consequence, been so much the lower. The amount ought, therefore, to be considered as a fund allotted to the maintenance of the heads of villages.

125. In some districts, the village mauniums formerly enjoyed by the head of the village have been resumed, and in lieu of them an allowance granted of two and a quarter per cent. upon the land revenue. In some few cases, this money allowance is more than the produce of the land resumed, but, in general, it is not a half, or even a third of it. An arrangement of this kind might be proper, where the object is to raise inadequate allowances to a higher level by a general standard; but where it is to commute an allowance in land for a very inferior one in money, it is destructive to the right of property, and is injurious to the public service, by lowering the character of the Potail. Land gives him a greater interest in the village, makes him more respectable among the inhabitants, and is more likely to secure his attachment to the Government of whom he holds it. There is no link but him between the Government and the cultivators, and unless he is upheld there can be no class of permanent respectable landholders; for the operation of the Hindoo law

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in dividing land among all the sons, and of the Judicial code in selling it for arrears, must gradually break down into minute portions every estate, which is not guarded by the entail of official tenure.

126. There was not the same diversity of opinion among the Collectors on the subject of village watchers as on that of heads of villages. Malabar and Canara are the only districts in which the village watchers were said not to exist. In these their duty is done by the heads of villages, aided by their private servants and slaves; in all other districts the village watchers are found under some denomination or other. But as the returns of the Collectors were, in several instances, imperfect, from the want of materials, it was difficult to ascertain whether the persons whom they designated as village watchers were Talliars or Totties, or whether they had not mixed both in the same statement. Dundassi Barki and Noigwadie seem to be the terms by which the village watchers in the northern Circars are usually distinguished. In most of the districts to the south as well as to the north of the Kistna, there are many villages having no Talliar: in such villages the duty of watcher is frequently performed by some other servant. The inefficiency of the police establishment of the village is not, therefore, always to be inferred from the absence of the Talliar. Servants of the same denomination sometimes perform duties quite different in different districts. The duty of the Talliar is frequently discharged by the Totti, and in some districts, as Tinnevelly, there are no Totties, and their duty is performed by the Talliar.

127. The Commissioners beg to refer to a statement prepared by them, shewing the number of Talliars, and of the villages in which there are none; but it does not give a correct view of the establishment of village watchers, because servants, under other denominations than Talliar, are frequently employed on the same duty.

128. The Commission observed, that in most of the districts the funds of the Talliar establishments are sufficient in the aggregate, but inadequate in the detail. In many villages they are more than enough, while in other villages of the same district they are quite insufficient. The Collectors differed in opinion, both as to the proper number of Talliars and their allowances. The Commissioners think that no one general standard ought to be fixed for either, but that separate ones, regulated by local circumstances, should be taken by different divisions of the country. There are but few districts in which the information is such as to render it safe to make any increase without further inquiry: it is only where a survey has taken place, or where there has been a long course of detail settlements, that we can have any sure ground on which to proceed. In other districts the allowances are cancelled altogether, or under-rated, and in some cases probably over-rated, from the negligence or ignorance of native revenue servants. It should be considered, too, that the deficiency in one village cannot be made up by the excess in another, without infringing the rights of private property; for though the lands of Talliars were originally assigned for the performance of a public duty, long prescription has rendered them private property, as long as that duty is discharged. These reasons shew the necessity of not granting too hastily any additional allowance to make up supposed deficiencies: as long as the allowance, however low the amount, is such as to place the Talliar above the common labourer, and to render his situation an object of competition, it cannot be necessary.

129. The Commission stated, that the filling up the deficiencies in the Talliar establishment will require much previous inquiry, and is far too extensive an arrangement to be carried into effect at once throughout the country. The best way would probably be, to begin by selecting one or two collectorates in a division, and to make an arrangement for them, to be followed, as nearly as could be done, by the other collectorates of that division. Whatever place might be approved by Government for North Arcot and Bellary, would answer pretty nearly for all the districts between Trinchinopoly and Guntoor.

130. The Collectors of North Arcot and Bellary furnished the Commission with copies of reports made by them to the Board of Revenue on this subject, accompanied by a scale of allowances proposed to be given in order to make up deficiencies. As the scale differed in some points, which require explanation,

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tion, the Commission meant to have forwarded a few queries to both Collectors, and to have submitted hereafter their answers with their opinion, to Government, but have hitherto been prevented by other business from carrying their design into effect.

131. The Commission prepared an abstract statement, exhibiting the amount of the Talliar allowances at the commencement of the Company's government and at the present time, to which they beg to refer.

132. From the returns by the Collectors the Commission prepared an abstract of the whole of the municipal charges, shewing the amount at the beginning of the Company's government and at the present time, and the resumptions and grants made in the interval between those periods, to which they beg to refer. The resumptions are chiefly among the Poligars, Cavilgars, Kulbuddee, and other classes of Peons. The dangerous power of some of those chiefs, and the inutility of their establishments, were the causes of similar resumptions having been made by some of the native Princes at more early periods. The accounts received from the districts are not sufficiently accurate to enable the Commission to determine whether all the lands entered under the head of police actually belong to that description or not. Lands held under different tenures are frequently entered in revenue accounts under the same head, and the necessary separation cannot be made, unless by a minute and tedious investigation by the local authority. Even where no doubts remain that lands have been originally allotted for police duties, which are no longer performed, the amount of their rent cannot be reckoned upon as an available fund. The resumption hardly ever produces the estimated rent: it often adds little or nothing to revenue, and brings distress upon a great number of poor individuals, such as Kulbuddee Peons, by depriving them of the means of subsistence, and forcing them, from their inability to pay the rent, to relinquish the cultivation of their lands, the greater part of which is, in consequence, allowed to remain waste: and this takes place not only with regard to their service lands, but to lands paying revenue, which they were enabled to cultivate, by the aid of the exemption of their lands from taxation.

	S. Pagodas	F.	C.
133. If the total grants under the Company's government,	98,857	29	39
be deducted from the resumptions	5,28,609	44	68
there will remain a balance of resumptions amounting to	4,29,752	15	29

It has been already explained, that lands thus resumed cannot be taken at the estimated rent; but after making full allowance for every decrease from these causes, there will still remain a fund which may fairly be considered as applicable to the completing of the deficiencies in the municipal establishments of the country, which will far exceed every demand that can be made for that object.

134. The Commission have already adverted to the defectiveness of the accounts received from some districts, and to the causes of it. They believe, however, that the Collectors endeavoured to make them as complete as the circumstances of the respective districts enabled them to do. The Commission were, however, compelled to make one exception in the Collector of Tanjore, who neither in the language, nor in the substance of his communications, had shewn any desire to forward the object of introducing the system authorized by Government, which he throughout treated as a measure of the Commission, not of the Government. He declared, that there were no heads of villages in Tanjore, that there were no instruments to carry it into effect, and that it could not be introduced into that province. He convinced the Commission that no real co-operation was to be expected from him, and that no hope of success could be entertained, if he were entrusted with the execution of the measure.

135. On the 7th of August 1816, Mr. Secretary Hill transmitted to the Commission * an extract from the proceedings of the Sudder Foujdarry Adawlut on the drafts of Regulations submitted to Government, with the Commissioners'

* Letter from Mr. Secretary Hill, 7th August 1816.

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missioners' report of the 25th June preceding. The Sudder Foujdarry Adawlut having observed that the period within which they were required to make their report on these drafts was too limited to admit of a revision in detail,* the Commission made the revision themselves; and in submitting the revised drafts to Government, stated the changes which had resulted from it, and answered, at the same time, the Sudder Adawlut's objections.

136. The Sudder Adawlut remarked, "that the orders of the Honourable "Court of Directors were positive for the transfer of the duties of Magistrate "to the Collectors, so as that the zillah Judges may be enabled to give their "whole time to the administration of civil justice; instead of which the "Commission had made them, under the title of the criminal Judge of the "zillah, the committing magistrate in all cases triable by the court of circuit."† The Commission remarked, that they had stated in a former report their reasons for making this division of authority, in place of leaving to the criminal Judge a current magisterial jurisdiction.

137. The Sudder Adawlut observed, "that the revenue duties of the Col"lector would be but little interrupted by the commitment of offenders for "trial, and that an attendance in the court of circuit twice in each year would "not extend to any considerable occupation of the Collector's time." The Commission answered, that it is not the mere act of committing prisoners for trial, but the preparation of papers, that takes up time: that prisoners and witnesses will now be sent direct to the zillah station by the district police officers, whereas, if the Collector, as Magistrate, committed, the witnesses and prisoners would, in all cases punishable by the criminal Judge, have to make two journies instead of one, first to the Magistrate, and then to the criminal Judge: that an attendance on the court of circuit does not move the criminal Judge from his station, but might bring the Collector from a distant part of his district, and interrupt his revenue and police duties. This repeated every six months, would probably occupy six weeks or two months in the year: a space of time much too long to be sacrificed to mere form.

138. The Sudder Adawlut apprehended, "that the revenue administration "being the primary, and that of justice the secondary duty of the office, a "Collector may neglect his judicial duties." To this the Commission remarked, that revenue is not made his primary duty; but where two duties are to be performed, and both must be attended to, revenue must give way to the duties of the magistrate in all essential matters, but it must not be neglected for points of form. No public officer is so much interested in the good order of the country as the Collector, and he is, therefore, as little likely as any other to neglect the magisterial duties on which it so much depends.

139. In the draft of the magistrate Regulation it is provided, that in the examination of prisoners charged with heinous crimes, previously to their being forwarded to the criminal Judge, it shall not be necessary for the Magistrate to go further into the examination than to satisfy his own mind that there is ground to believe the prisoners guilty of the crime charged against them. The Sudder court observed, "that the introduction of this duty by a negative, "may lead to different interpretations, as to the sufficiency of the ground on "which the Magistrate is at liberty to found his belief of the guilt of the ac"cused." The Commission observed, that as the examinations before the Magistrate are on oath, there can be no greater latitude for different interpretations as to the sufficiency of the ground, than there is under the existing Regulations, which direct the prisoner to be committed when there is "ground "to suspect him of having been concerned" in the crime charged against him.‡ The Sudder Adawlut remarked, that "if the belief on which the "Magistrate is to forward the accused to the criminal Judge be the result of "a grave proceeding, sufficient to warrant the commitment of the prisoners "for trial, all that is left to be done is to make out the mittimus of the pri"soners, to record the names and residence of witnesses, and to take recog"nizances from the prosecutor and his witnesses." But the Commission observed,

* Letter to the Chief Secretary, 29th August 1816.

† Letter to Government, 25th June 1816.

‡ Section 5, Regulation VI. 1802.

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served, that this enumeration is far from comprizing all that the Magistrate would have to do, for he would have to translate the papers into Persian and English, to prepare the calendars for the court of circuit, to send out the summonses to the prosecutors and witnesses, to attend that court, and to examine every prisoner himself, instead of having him forwarded direct to the criminal Judge by the Tehsildars.

140. The Sudder court seemed to imagine that the criminal Judge was made, in every case, to repeat a duty already performed by the Magistrate, and that relief was afforded to the Magistrate in appearance rather than in reality. This the Commission stated is a mistake, because all cases cognizable by the criminal Judge will be sent to him direct by the Tehsildars, as is now done by the police Darogahs, and such cases only as have been preferred to the Magistrate, in the first instance, and which he cannot punish, will be sent by him to the criminal Judge. The Sudder court supposed that "the prosecutor in most, and the witnesses for the prosecution in "all cases, would have to make three journies to attend different tribunals." By the arrangement proposed by the Commission this never can happen: the witnesses will in no case attend more than twice, and in many only once. But if all commitments for trial were to be made by the Magistrate, the witnesses would be obliged, in every instance, to attend twice, and very often three times: they would first be sent for examination by the police officer to the Collector acting as Magistrate; if the Collector could not punish himself, he would forward the witnesses and prisoner to the criminal Judge, and when he was committed for trial by the court of circuit the witnesses would have to attend a third time.

141. The Sudder Adawlut observed, it may be necessary for the criminal Judge to take before him and examine the witnesses, in the event of the Magistrate's proceedings being defective, "and delay may thus be occasioned." The Commission remarked, that the same thing happens now, if the Darogah's proceedings are not carefully drawn up; and the same thing would happen if the Magistrate committed, when the Tehsildar's proceedings were defective.

142. In considering the transfer of the duties of Magistrate to the Collector, the Court remarked that "it is impossible entirely to overlook the distresses to "which the poorer classes may be subject in pursuing the motions of a wan-"dering tribunal." The Commission, far from thinking that the mobility of this tribunal will distress the poor, are of opinion that this very quality will render it most useful to them. It is the fixing the office in one place which has hindered complaints from reaching it, which has prevented the Magistrate from making local inquiries into abuses, and which has rendered it so inefficient. With respect to heinous crimes and offences, the moveable nature of the Magistrate's tribunal will make no difference in the mode of investigating them, as the prosecutor and witnesses will, as formerly, be sent direct to the zillah station by the Tehsildars.

143. The Sudder court objected to the title of criminal Judge being given to the zillah Judge, and of zillah Magistrate to the Collector. Arguing upon the assumption that the proposed modifications of the law were merely temporary, they recommended to assign new names to new offices created in the course of experiment, rather than to strip an existing office of its known designation, and to give to it an appellation indicative of a change which has not taken place in the authority vested in the office. The Commission observed, "that a very great change has taken place in the authority vested in the office "for the charge of the police. The maintenance of the peace of the country, "and almost all the duties of the Magistrate, have been transferred to the Col-"lectors," and the Commission thought the official designation should be transferred with the duties. That part of the magisterial duties formerly exercised by the zillah Judge, which now remains to him, is a very small part, and as it is purely of a criminal nature, namely, the punishment and commitment of criminals for trial, the Commission conceived the appellation of criminal Judge much more appropriate to this office than that of zillah Magistrate.

144. The Sudder court doubted the legality of giving to the Magistrate the cognizance of complaints against European British subjects, referred to in the Act

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Act of the 53d Geo. III. They observed, that "the fixed resident Magistrate, and not the travelling office of the Collector, is the authority contemplated by the Legislature in framing the Act." The Commission see nothing in the Act to justify the inference that the Legislature considered it necessary that the Magistrate should be stationary; all that the Act requires is, that the Magistrate shall be a justice of the peace.

145. The court objected at considerable length against cases of resistance to process being made referable directly to Government. They observed, that the reference, in the first instance, to the Sudder court would never take more than three months. The Commission imagine, that the records will shew that it has always taken longer, yet as the case is one of very rare occurrence, the inconvenience will be of the less consequence; and it being the Commissioners' wish to avoid alterations in the existing laws, without strong grounds, they restored the original sections in the revised drafts.

146. With regard to Regulation XIII. 1809, the Commission inserted no part of it in their revised drafts, and allowed it to stand in its original form, because they thought it ought to be rescinded altogether. This measure was recommended by the first Judge of the centre division, on the grounds of the difficulty of obtaining sufficient evidence of the proclamation having been heard by the person to whom it had been addressed, of no person having yet surrendered under it, and of its being totally inefficient. The Regulation was passed in Bengal when gang robbery had reached an alarming height: it was adopted here in 1809, when the number of banditti, so far from having increased, was daily diminishing.

147. The Sudder Adawlut, though they did not say that the Commission had touched the revenue laws, asserted, "that their character had been totally altered by transferring them to the cognizance of the Collector." Those duties of the Magistrate are transferred with the office to the Collector by order of the Court of Directors, who no doubt considered that if the character of the Regulations in question were in any degree changed, the inconvenience, if any, would be outweighed by the advantages of the measure. It was supposed that the interest of the revenue might influence the Collector in his duty as Magistrate, but if the Regulation be examined, it will be found that the Collector, in the cases cognizable by him, has no particular interest to bias his decisions, and that their character is only so far changed as to render them more operative than formerly.

148. The transfer of these duties to the Collector appeared, however, to the Sudder court, to be done in direct opposition to the expressed intentions of the Court of Directors, and they brought forward a paragraph, entirely unconnected with the subject, to make it appear that the Court of Directors did not authorize the transfer. But, in the paragraph alluded to, the Honourable Court were delivering their sentiments on a subject totally different. Their intention is obviously that, though the Collector should determine questions of revenue collections between Zemindars and Ryots, he should not determine such questions between the Zemindar or Ryots and himself or servant; but they have no reference to the cases in which the Collector, as Magistrate, takes cognizance of frauds in the customs, of smuggling, of selling spirits without licenses, or of acts of extortion or oppression committed by his own servants.

149. It was concluded by the Sudder Adawlut, that the Collector was an interested party in all offences against the revenue laws; but the Collector, as Magistrate, has not authority to punish those offences which can affect the standard of the revenue, for smuggling, the only offence by which it can be affected, is not punishable by him. The Commission shewed, by a short statement of the offences against the revenue which are cognizable by him, how little ground there is for apprehending that he can have any particular interest, at all likely to influence his decisions upon them.

150. The Sudder court suggested that the zillah Judge should, in place of criminal Judge, be constituted a Judge of sessions. The Commissioners replied: by this the Judge would only be able to hear charges when the sessions came round, whereas, at present, he may hear them on any day he is at leisure.

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sure. It might often happen that a criminal case would come before him at a time when there was no civil business; yet he would be obliged to postpone it until the regular sessions day.

151. It may be inferred, from an observation of the Sudder Adawlut, that the Magistrate is absolved from keeping any record at all, and thus exempt from all control; whereas he is required in all cases, except petty offences, to keep a record of his proceedings. To remove, however, all objection on this head, the Commission provided in the revised drafts, that the Magistrate should keep a record in every case of petty offence, when the punishment ordered might exceed a fine of five rupees or two days' imprisonment. There are many petty offences so trifling in themselves, that they ought not even to reach the Magistrate, but to be settled on the spot.

152. The Commissioners found, upon an attentive examination of the code, that the respective duties of the Magistrate and the criminal Judge could not be clearly defined by a few additional sections referring to existing Regulations, and that confusion could be obviated only by collecting and comprising their several duties in two distinct Regulations. The Sudder Adawlut not having corrected their drafts, the Commission made such corrections as were suggested by a careful revision of them, and by the remarks of that court, and recommended that the revised drafts should be passed without delay.

153. The Commission subsequently submitted to Government, in conformity to their resolution of the 25th May 1816, a draft of a Regulation incorporating in the boundary dispute Regulation provisions, authorising the Collector to settle all disputes respecting the occupying, cultivating, and irrigating of land, which might arise between the renters and their Ryots. The Collector, by the original draft, was authorized to annul the decision of a punchayet on proof of gross partiality; but, the provisions of the Regulations being now extended to other cases besides boundary disputes, the Commission thought it advisable to withdraw this power from him, and to allow the decision of a punchayet to be annulled only by the provincial court of appeal, under the rules already sanctioned by Government. The Commission recommended this Regulation being also passed without delay.

154. The Commission were informed, in reply, that the Right Honourable the Governor in Council had been pleased to pass these several Regulations,* and that Regulation XIII. 1809, and Section 9, Regulation VI. 1811, respecting proclaimed offenders, should be rescinded, as recommended by them, and that the establishments of police Darogahs and Thanadars should cease from the 1st of November 1816.

155. The Commission stated their conviction, that when sufficient time should have passed for those Regulations to be generally understood, and to be completely carried into effect, they would be found to answer the end expected from them by the Honourable Court of Directors.

156. The Commission again addressed Government, recommending that the Regulations should be immediately promulgated; that directions should be sent for administering to the Magistrates and the criminal Judges of zillahs the oaths of office, that they should be directed to administer the oaths of office to their respective assistants; that the Zillah Judges should be directed to administer the oaths of Justice of the peace to such of the Collectors of zillahs as might not have taken them; that the criminal Judges should be directed to transfer all police establishments to the Magistrates of the zillahs, with the exception of what might be necessary for the security of their respective jails; that the attention of the zillah Magistrates should be called to the dismission, by law, of all police Darogahs and Thanadars, from the 1st November 1816, and that they should be directed to order such records as might belong to the office of the Darogahs to be transferred to the charge of the Thanadars, or other revenue officers; that the criminal Judges should be required to meet the Judges of the court of circuit on their arrival at their respective stations; that Regulations XI. and XII. of 1816 should be sent to the translators to be translated into the native languages; that the translators should be

* Regulations IX, X, XI, and XII, 1816.

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be directed to furnish the Commission with twenty-five copies of each translation; and that the Commission should be authorized to forward copies to each Collector, with directions to furnish a copy to each of his Tehsildars, and to order the Tehsildars to assemble the Curnums, to take copies for the use of the head inhabitants of their several villages, or where there might be no Tehsildars, either to assemble the Curnums at his own cutcherry for the purpose of taking copies, or to transmit copies to the Zemindars, with instructions to circulate them among the Curnums, in the same manner as was done by the Tehsildars.

157. These suggestions were adopted by Government, and the Judges, Collectors, and Magistrates, ordered to attend to all directions they might receive from the Commission on the subject of carrying into effect the new Regulations.

158. The drafts of five Regulations prepared by the Sudder Adawlut having been sent to the Commission, in order to their being revised, with the view of preventing their provisions from interfering with those of the Regulations lately enacted, the Commission observed, in answer, that the draft of the Police Magistrates' Regulation was rendered unnecessary, by Government's having passed the Regulations IX. and X. of 1816; and they recommended that the consideration of the draft of a Regulation for giving greater publicity to certain clauses of the Act of the 53d George III. cap. 155, should be deferred, until the opinion of the Company's law officers should have been received, as to the application of the Act to Regulations IX. and X. of 1816.

159. In revising the stamp Regulation, with a view to prevent its provisions from interfering with those of the Regulations lately passed, several alterations being necessary, the Commission deemed it proper to submit a new draft.

160. The material modifications which appeared advisable to the Commissioners to make in the stamp Regulation were: 1st, Bringing all the cases in which stamp paper of European manufacture is to be used under the same section. 2d, Rendering unauthorized venders of stamps punishable by the criminal Judge instead of the Magistrate. 3d, Specifying the principle on which the value of real and personal property was to be estimated in suits preferred to the courts. 4th, Introducing the words "Sudder Aumeens and District Moonsiffs," in place of "Native Commissioners." 5th, Requiring that all applications for the admission of exhibits in the courts of Sudder Aumeens, and all answers, replies, and rejoinders in those courts, should be written on paper of the value of four annas, and copies of decrees on paper of the value of eight annas. 6th, Exempting all petitions to the zillah Magistrates and Collectors from stamps, because the communications between the inhabitants and these authorities should be encouraged. 7th, Exempting from stamp duty all bonds and other instruments under sixteen rupees, as heretofore, to prevent inconvenience to the poorer classes. 8th, and to the last section of this Regulation a proviso was added, in order to adapt it to the Regulations which had been lately passed.

161. In the Regulation for amending and modifying the rules which had been passed regarding the office of Vakeels or native pleaders, and that for modifying the jurisdiction of the zillah and provincial courts and the courts of Sudder Adawlut, in the trial of original suits and appeals, for amending some of the rules there in force regarding the admission and trial of special and summary appeals, and for limiting and altering some of the provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals, the alterations were so trivial, that no new drafts were required, and the Commission submitted that the three Regulations should be immediately passed by Government.

162. These Regulations were accordingly passed, and numbered XIII. XIV. and XV. of 1816, to be in force from the 1st February 1817; and the Commissioners were furnished with a copy of a circular letter to the several Judges and Collectors, desiring them, on all points connected with the transfer of the office of Magistrate from the Judge to the Collector, or with the introduction of the new system of police, on which they might require explanation or instructions, to refer for that purpose to the Commissioners.

163. The

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163. The Commission having been furnished with the proceedings of the Sudder Adawlut on the exclusion of the zillah court station from the jurisdiction of the district Moonsiffs, they, in their address to Government, observed that they wished the district Moonsiffs should not be fixed at the zillah stations, but at any other place that might be most convenient for the inhabitants in general; and that the zillah station should be included in his jurisdiction. The Commission thought, that as the number of district Moonsiffs was very limited, they ought to be so distributed as might render the access to justice most easy to the whole population: that where there were larger villages in a district than that in which the zillah court was stationed, they were better calculated than it for the residence of a district Moonsiff; and that, even where the court was held in the largest village of the district, a district Moonsiff might be stationed to greater advantage in an inferior village; because his presence was less necessary at the zillah court station, where the inhabitants, without the trouble of quitting their homes, had on the spot a Judge and Register and Sudder Aumeens to try their suits, and because, though the inhabitants of such stations were subject in the court of the Sudder Aumeens to stamps, exhibit fees, and fees to summonses to witnesses; yet this expense was nearly counterbalanced by their being exempted from the inconvenience and expense of leaving their homes to attend distant tribunals.

164. The Sudder Adawlut having remarked that "it is not in the knowledge of the court that any reason has been assigned for subjecting the proceedings in the courts of the Sudder Aumeens to the expenses of stamps, exhibit fees, and fees on summonses;" the Commission observed, that those expenses were deemed expedient, in consequence of the change which the office of Sudder Aumeen had undergone; that it was formerly open to all persons, and the number was unlimited; that it was now restricted to the law officers of the court; that its jurisdiction had been extended from one hundred to three hundred rupees; that it was now a court of appeal from the decisions of the district Moonsiffs, which it was not before; that all its process issued under the seal of the court and signature of the Judge or Register, and that it was rather a part of the court itself than a district native tribunal; and that it was, therefore, thought advisable to prescribe the same rules for the trial of suits by the Sudder Aumeens as by the zillah court, more particularly as the suits which would now come before it would be chiefly appeals, which were always subject to those charges.

165. The Sudder Adawlut supposed that "the inhabitants of the zillah station would, by the stamps and fees, be exposed to peculiar disadvantages in the pursuit of justice;" but the Commission observed, that it is only in suits under one hundred rupees that the parties can be liable to any charges which they did not formerly pay, for the suits from one hundred to three hundred rupees were not cognizable by the Sudder Aumeens, and were consequently liable to the charges of the zillah court; and, as the zillah Judge may refer all suits under two hundred rupees to any district Moonsiff, the inhabitants of the zillah stations may, by this means, be exempted in such suits from the expense of stamps and fees on exhibits, and fees on summonses to witnesses. It is also in the power of any inhabitant of the zillah station to obtain the same exemption without the intervention of the Judge, by bringing his cause, in the first instance, before the district Moonsiff. It is true that, in this case, he may be obliged to quit his home during the trial. This, however, is no peculiar disadvantage, but one to which he is subject, in common with the inhabitants of every village or town in which there is no district Moonsiff stationed.

166. On the 19th July 1816, the Commission forwarded to the several Collectors of districts translates of the village Moonsiff and village and district Punchayet Regulations, numbered IV, V, and VII, of 1816, with directions to circulate them for the use of the head inhabitants of villages, and to make it known that they were to be acted on as soon as they were circulated; and, on the 23d September, the Commission called upon the Collectors to state how far those instructions had been carried into effect. Their answers to this letter, and, where necessary, to that of the 19th July, the Commission submitted for the information of the Right Honourable the Governor in Council.

167. From

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167. From the abstracts which the Commission gave of the communications from the Collectors, it appeared that, in almost all the districts, great progress had been made in the circulation of the Regulations among the Tehsildars and Curnums: that in Cuddapah, copies to all the Tehsildars, with orders to assemble the Curnums, had been issued as early as the 9th August: that the same steps had been taken in most of the other districts, before the end of September: that before the middle of October, in some districts, the greater part of the Curnums had already taken copies, and in most of the others they had made so much progress in taking them, that the Collectors had issued orders to act upon the Regulations: that in Malabar and Canara copies had not yet been circulated to the talooks, but that the delay was unavoidable, owing to the Collectors of those provinces being obliged to get the Malabar and Telinga translations sent from Madras translated into Malayalum, for the inhabitants of Malabar, and into Canari and Hindowi for those of Canara; and that in Tanjore alone there seemed to be any cause to apprehend that the Regulations would not be speedily and completely circulated. The Commission brought the substance of Mr. Hepburn's communications on the subject to the notice of Government, and stated that it only served to confirm them more strongly in the belief of the correctness of the sentiments which they expressed in their report of the 29th of August last, that, "in the introduction of the new system, no real co-operation is to be expected from the Collector of Tanjore." The Commission further observed, that they were unable to state what progress had been made in circulating the Regulations in Rajahmundry, as no report had been received from the Collector of that district.

168. The Sudder Adawlut having expressed an opinion, that "the efficacy of rewards, in facilitating the apprehension of offenders, would be diminished by the recision of Regulation XIII of 1809," the Commission shewed, by the returns of those apprehended, that since the enactment of that Regulation, no effect had resulted from it, which might not have been produced without it; and the Sudder Adawlut did not shew from the state of the Cuddapah zillah, where more offenders have been proclaimed than in all the rest, that any good had resulted from the rescinded regulation.

169. The Sudder Adawlut adopted an opinion of the late Magistrate of Cuddapah, that "in the endeavours to provide against collision between the two authorities of criminal Judge and Magistrate, an error has been committed in the Regulation, from which material inconvenience may be apprehended." The inconvenience was stated to be, that the criminal Judge, in the investigation of heinous crimes necessary previous to the commitment for trial, cannot correct the errors in the proceedings of the police officers, from whose hands he is required to receive the accused; nor if he should, in the course of the investigation, discover that others have been concerned in the perpetration, does he possess any means of getting at them, for he cannot issue a warrant, and he cannot communicate with the other Magistrate under whom the police is placed. The Commission observed, that they could not assent to the construction given to the Regulation by the Sudder Adawlut, or admit that the Regulation contained the error to which they adverted: that the Sudder Adawlut founded their opinion that the criminal Judge was debarred from communicating with the Magistrate in Section 25, Regulation IX. 1816. The Commission stated, that the concluding expression, "and no other communication shall be necessary," was intended to apply merely to the case of the particular prisoner forwarded by the Magistrate to the criminal Judge, and that it did not appear how it could, without violence, be made to apply to any thing else: that the zillah Magistrates and Collectors were not restrained, under the old Regulations, from corresponding on matters of public duty, and it had been the practice for them to communicate on such matters whenever it was deemed requisite for the benefit of the public service: that the practice, so far from having been prohibited, was rather encouraged by the new Regulations; for the Magistrates were positively directed to communicate to each other, whatever information they might receive on points likely to affect the peace of their zillahs.

170. The

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170. The Commission stated, that they thought it proper to say thus much, with the view of endeavouring to vindicate the language of the Regulation, being aware that, whenever doubts arose regarding the meaning of the Regulations, that by the existing law the interpretation of the Sudder Adawlut was final, and that, however useless such a proceeding might appear, a new Regulation, in conformity to that interpretation, must be added to the code. The Commission further observed, that if the Right Honourable the Governor in Council were of opinion that communication between the zillah Magistrates and criminal Judges was not precluded by the words which excited the doubt of the Magistrate of Cuddapah, it might, perhaps, be deemed a matter not undeserving of future consideration, whether the construction given by the Sudder Adawlut to the Regulations, where doubts arose regarding their meaning, should not be made subject by law to the sanction of Government.

171. The Board of Revenue having stated the necessity of suspending the operation of Regulation XIII. of 1816, till the commencement of the ensuing fusily, the Commission were required to state also their sentiments on the subject. The reasons assigned by the Board of Revenue, in support of the measure, were the difficulty of supplying the courts with stamp paper before the 1st February 1817, and their business being thereby rendered liable to interruption, and its being almost impossible to convey translates of the Regulations in the several vernacular dialects to the provinces of Canara, Malabar, &c. by the 1st February, and the hardship which it would be on all classes of people to preclude them from bringing into court, after that date, any deeds or other instruments which had not been written on stamp paper, which could not reach those distant provinces within the prescribed period.

Sic orig.

172. By the Bengal Regulation,* an interval of four months was allowed to make the necessary arrangements, and by the Madras Regulation, an interval of three months and five days; and though the period allowed at Madras was less than in Bengal, the Commission observed that there were many circumstances which ought to make it equally adequate to the completion of the previous arrangements: that the Bengal Regulation prescribed an additional die for one anna stamps, which, as it embraced all transactions within sixteen rupees, would require more paper than any other stamp; this stamp was dispensed with by the Madras Regulation: that the distance between Madras and its remote provinces was considerably less than between Calcutta and its more distant dependencies, and the stamp paper might, of course, be transmitted in a shorter time: that, by the Bengal Regulations, the Superintendant of Stamps, or the officers acting under his authority, were required to endorse each piece of stamp paper with their official signature, and that, by the Madras Regulation, endorsement was to be made by the Collector or his assistant. Under all these circumstances, the Commission conceived that the time allowed was amply sufficient for every purpose, and that there ought to be no necessity for suspending the operation of the Regulation. The Commission stated, that should it nevertheless be deemed necessary to suspend the operation of the Regulation, it would also be necessary to suspend that of Regulations XIV. and XV. of 1816, as they both referred to Regulation XIII. of 1816; but the Commission conceived that, instead of carrying the suspension to the 12th July, as proposed by the Board of Revenue, it would be sufficient to extend it to the 1st March or 1st April 1817.

173. With regard to the revenue relinquished by the new stamp Regulation, the Commission observed that the drafts of that, and of four other Regulations, were sent to them to be revised, "with a view of preventing their provisions "from interfering with those of the Regulations lately enacted:" that they were ignorant of the amount of revenue affected by it, and conceived that, whatever it might be, provision would be made for its security by a separate Regulation, and they expressed their opinion that the Board of Revenue should be authorized to frame a Regulation for that purpose.

174. The Collector of Rajahmundry having explained the reason of his silence respecting the circulation of the Regulations IV. V. and VII. of 1816,

* Regulation I. 1814.

1816, which he stated were then distributing, and of the delay in transmitting the statements required of him connected with the establishment of Potails and police officers, his letter on the subject was submitted by the Commission for the information of Government; and they took that occasion to notice the completion of the Malayalum translations of the same Regulation, and to state that copies of them had been distributed throughout the Malabar province.

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175. The Collector of Tanjore having, since the Commissioners' report of the 16th November 1816, transmitted to them two estimates of expences to be incurred in carrying the new Regulations into effect, and having stated that their being sanctioned by Government was necessary to enable him to begin the preparation of pottahs for Potails, and the list of stamp-paper prices mentioned in those estimates, the Commission deemed it proper to submit the correspondence which had taken place between him and the Commission, on this and some other points, for the information of the Right Honourable the Governor in Council, as the Collector's subsequent explanations gave a different view of his intentions from that which the Commission had taken, respecting the appointment of Potails in Tanjore. The Commission expressed their satisfaction at the progress made by Mr. Hepburn: they observed, they were aware he would, in some instances, meet with difficulties in carrying the Regulations into effect, and that on receiving his promised statement of them, they would submit it, with their opinion as to the remedy which ought to be applied.

176. The Commission expressed their regret, that the same intemperate tone which they had more than once had occasion to bring to the notice of Government, was still pursued by Mr. Hepburn in his recent communications, with regard to the estimate of the expense attending the preparation of the list of stamp paper and pottahs for Potails. The Commission observed, that they had received no charge of the kind from any other Collector. They expressed their ignorance, whether the revenue establishment of Tanjore was more limited, compared with the duties required of it, than that of other Collectorates: but as the Collector would not commence the preparation of the estimate, and as any further delay in preparing the pottahs would be productive of much inconvenience, the Commission submitted the estimate for the orders of Government.

177. The First Commissioner left the presidency early in the year 1817, and proceeded to Tanjore, to learn what progress had been made in the appointment of heads of villages required by the Regulations, what were the obstacles by which its execution was impeded, and what were the means by which they could be removed. By the First Commissioner's report to Government, it appeared that the whole number of villages in the Tanjore zillah was.............. 6,011
that Potails were already appointed, and lists sent to the Tehsildars, for... 4,108
and that for the remainder.. 1,903
no Potails had yet been appointed, owing to various causes which were inserted opposite to the totals of the several classes of which those villages are composed. Of the 1,903 villages without Potails, Colonel Munro observed, that the number of uninhabited villages would probably amount to about six hundred, and leave only 1,303 without Potails; but as one hundred and forty of these belonged to the Rajah, and as the greater portion of the remainder was likely to be rented, it was probable that very few, if any, would be left, for which Potails might not be provided under the existing Regulations.

178. As it appeared, from the returns sent in by the Tehsildars to the Collector's cutchery, that of the Potails ordered to be appointed, many had refused the office, and others, after accepting, had thrown it up, the First Commissioner required the acting Collector to assemble the principal landholders of the Myaveram district, that he might have a full discussion with them on the subject.

179. The meeting lasted many hours, during which time they brought forward every argument they could devise, and which are detailed in Colonel Munro's report, against their being required to act as Potails or heads of villages. When they were desired to enter into particulars, and specify the duties they would have to discharge under the village Regulations, and when it was shewn to them that those duties did not differ essentially from those which they had always been accustomed to perform, they had recourse to general argument, that

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that their time was so much occupied in cultivation and finding the means of paying their rents, that they had none to spare for other purposes.

180. It was evident, from the whole of their arguments, and from each individual concurring, without the slightest variation, in every point with the two or three principal speakers, and from all asserting what they knew to be unfounded, namely, that no Meerassadars had superior authority to another, that they had preconcerted their answers, and that they acted under the influence either of some of their own numbers or of some leading men in the country.

181. Colonel Munro thought it, in consequence, advisable to have no more meetings with bodies of the principal inhabitants, in order to have their opinions respecting the office of Potail, but to confine his enquiries chiefly to the nature of the internal administration during the native Government, and as to how far any of the head inhabitants had a share in it, similar to that which is usually assigned to Potails in other districts. The accounts the First Commissioner obtained, though they differed in many minor points, concurred in the main one, that in villages held by a number of proprietors or Meerassadars, there was one who, under the title of Natumkar, exercised authority over the rest in all public concerns of the village, having the village servants under his immediate authority, making the collections and exercising coercion against defaulters, settling petty disputes, &c.

182. The First Commissioner stated, that there is no sufficient cause why the head Meerassadars or Natumkars of Tanjore should not, as well as the head Ryots of other districts, act as heads of their villages. The very circumstance of the Meerassadars being in general intelligent, renders it more easy to establish village Moonsiffs and village punchayets in Tanjore, than in districts whose inhabitants are less instructed. The First Commissioner therefore suggested, that the Collector should be ordered to direct the Natumkars to act as Potails, as the principle should be maintained, that every village must find a head man to discharge the duty of executing its public business, in the manner required by Government: that to take the opinions separately of all the individuals composing so numerous a body, as to their being willing or not to undertake the office, would answer no purpose but to raise difficulties and occasion delay, and that, indeed, such opinions could not be obtained; for it was well known, that there were always a few leading men in each district, by whom all the other heads of villages were guided: that from the principle, that every village must find a head, not having been observed in Tanjore, either before or since the passing of the Regulation for the appointment of Potails to do the duty of village Moonsiffs, and from its having been thought necessary, not only after the passing of that Regulation, but even after what was called the appointment of the 4,108 Potails, to consult the Potails as to their being willing or not to discharge the duty of the office, the introduction of the proposed arrangement had been much retarded: that the appointment of the 4,108 Potails consisted merely in the Collector's authorizing that number to be appointed to a similar number of villages, according to lists of villages, and Meerassadars to act as Potails, which had been submitted to him by the Tehsildars; but that, as the option was still offered to the Potails thus appointed to hold or relinquish the office as they thought proper, the consequence had been, that as far as could be ascertained, the number of those who had declined was much greater than that of those who had agreed to act, and that the system of village Potails was as far as ever from being established.

183. The First Commissioner shewed, that the Meerassadars ought to defray the expense of remunerating the Natumkars, should any remuneration be deemed necessary; and concluded his report by stating, that, in his opinion, there was no more difficulty in finding heads of villages in Tanjore than in any other district, and that their not having been found had arisen from the Collector not having taken the steps calculated to ensure success to the measure.

184. The Judge in the zillah of south Malabar having stated that, in consequence of the town of Cochin and its dependencies having been reannexed to South Malabar, a district Moonsiff would be required to be stationed at Cochin, the Commissioners recommended to Government that the Judge should be authorized to entertain an additional district Moonsiff to be stationed at Cochin, which was acceded to.

185. The

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185. The Collector of the zillah of Canara transmitted to the Commission copy of a correspondence between him and the Board of Revenue, relative to the translating of the Regulations into the Canari and Hindowi languages, for the use of his districts. In submittting this correspondence for the information and orders of Government, the Commissioners observed, that it would be desirable that the Regulations should be translated into the Hindowi as well as the Canari languages, because the Hindowi was the general language of a few districts of Canara; but as this portion of the country was of small extent, in comparison with that in which Canari was the prevailing language, the Commissioners recommended that the Regulations should be translated into Canari by a translator to Government.

186. The Judge of Cuddapah having stated that some further enactments were necessary, in cases of the escape of prisoners or misdemeanors in the jail, the Commissioners observed, that they conceived the existing Regulations, at the date of the Judge's letter, were perfectly adequate to the ends in view, but that, should any difficulties be still supposed to remain on these points, they would be removed by the recent enactment of Regulation III. of 1817.

187. The late Magistrate at Chittoor having addressed Government on the subject of pensioning some of the late police Darogahs under him, the Commission were directed to state their sentiments on the subject. They observed, that though they were sensible that a good deal of inconvenience and distress must always follow every measure that throws a number of public servants out of employment, yet they did not think it would be advisable to consider this circumstance as giving such persons any claim to a pension from Government: that the police system was of too recent creation to entitle any of the Darogahs to a reward for long services: that no provision was made in the case of the many revenue servants who were thrown out of employment by the introduction of the permanent settlement, and that the adoption of a contrary principle, where services were not very long, would entail a heavy and endless expense, and often on account of persons who could either maintain themselves or did not deserve any provision: that though the Darogah establishment had been done away, the Collectors were not precluded from employing the late Darogahs in such revenue and police duties as they might think them qualified for.

188. The Judge at Cuddapah * entered into a comparison of the old and new Regulations, the evils likely to result to almost all classes, but more especially to the old and infirm, the illiterate, and the widow and orphan, from the district Moonsiff's not having a regular establishment of Vakeels; calculated the proportion of the male population likely to be every year assembled at district punchayets, and of individual labour and income which would be thereby lost; stated what might be lost to the public by judicial and revenue servants being summoned to attend punchayets, and detailed his sentiments in a variety of other cases.

189. The Commission, in their report on the Judge's objections,† to which they beg to refer, stated that many difficulties were looked to by Mr. Newnham which never could occur, and to which, therefore, it could hardly be necessary to say much in answer.

190. The Magistrate at Tinnevelly‡ having requested authority to build a Magistrate's office and jail at that station, the Commission, in their report to Government on the subject,§ observed, that any cutcherry which was large enough for the transaction of a Collector's revenue business was also sufficient for his magisterial duties; and, with respect to the jail which the Magistrate proposed to erect for the security of prisoners under examination, the Commission observed, that if such a building were necessary at the Magistrate's principal station, it would be equally necessary at the station of every Tehsildar,

* Letter from Mr. Secretary Hill, 30th December 1816, enclosing letter from the Judge at Cuddapah, dated 9th December 1816. † Letter to the Chief Secretary, 5th March 1817.
‡ From Mr. Secretary Hill, 24th February 1817. § To the Chief Secretary, 20th April 1817.

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dar, as they must all detain prisoners under examination: that the duties of the Collector obliged him to be absent from his head station, visiting the districts during a great part of the year, when he would, of course, confine prisoners under examination in such places as might be used by the Tehsildars of the different districts, which would be found sufficient.

191. From Tanjore Colonel Munro proceeded to Trichinopoly, Madura, Dindigul, and Coimbatore, to ascertain the condition of the village servants, but more particularly that of heads of villages. In these provinces he found prevailing every where the same general system of the village affairs being directed by a head cultivator, either Brahmin or Sooder. This man, however denominated, was the Potail, and the authority which he exercised so much the same, that the accounts of one district might answer for all the rest; but as his allowances and privileges varied considerably in different districts, Colonel Munro, in his report to Government,* stated what his situation was in each district, and gave a brief sketch of what the village system was under the native powers, until the Company's government, in all the countries south of the Caveri.

192. The First Commissioner observed, that the heads of villages are at present capable of carrying on all the duties required of them by the Regulations, but that they would do it better if their situations were rendered more fixed and independent, which would give them more weight and respectability in the country than they can possess where they are liable to removal at discretion. No general rate of allowances to the heads of villages would answer every where, as in some they are at present sufficient, in others too little, and in the same province more commonly both, and that it would, perhaps, be best to adopt different standards in different provinces, which in each might be regulated by ancient custom.

193. The First Commissioner, in the course of his circuit, every where endeavoured to ascertain how far the new system was agreeable or otherwise to the inhabitants, and stated his conviction that the change had produced general satisfaction.

194. The Magistrate of the zillah of Canara having urged the expediency of the transfer of that part of the bekul talook under the zillah court of North Malabar to the jurisdiction of the zillah court at Mangalore,† the Commission recommended to Government the adoption of the measure, which was accordingly acceded to.‡

195. On a proposition of the zillah Judge at Guntoor, to construct buildings for the Sudder Aumeens in that zillah,|| the Commission stated, that the same places where the Sudder Aumeens formerly held their cutcherries would still answer every purpose required, and that they deemed the disbursement for erecting additional buildings, proposed by Mr. Gregory, unnecessary.

196. The Magistrate of Canara having represented the inadequacy of his cutcherry to accommodate any part of the magisterial establishment,¶ the Commission were induced, on the ground of the absolute necessity of the measure, to recommend to Government that he might be authorized to make the addition proposed by him, not exceeding two hundred pagodas, which was approved by Government.**

197. As it appeared, from the reports of the local authorities of Malabar, that both its ancient institutions and the manners of its inhabitants differed widely from those which generally prevailed in the peninsula of India, and as the late Regulations, vesting certain powers in the heads of villages, were founded in the general usages of India, it was natural to suppose that, if any material objection occurred to their introduction, it would be found in Malabar. The First Commissioner, therefore, thought it advisable to proceed to that province from Coimbatore,†† in order that he might have an opportunity of examining

* Letter to the Chief Secretary, 26th May 1817. † Ditto, 20th June 1817. ‡ Letter from Mr. Secretary Hill, 26th July 1817. § Ditto, 19th June 1817. || Letter to the Chief Secretary, 25th June 1817. ¶ Ditto, 1st July 1817. ** Letter from Mr. Secretary Hill, 19th July 1817. †† Letter to the Chief Secretary, 4th July 1817.

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examining on the spot whether the Regulations could, in every point, be introduced with advantage to the country, or if not, what alterations of them would be requisite for that purpose. The substance of the First Commissioner's report to Government was an abstract of the information which he received from those Nairs and other natives, who seemed to him to be the best informed with regard to the details of the village administration, ancient usages, and internal government of Malabar.

198. The result of the First Commissioner's investigations satisfied him that in Malabar, the village establishment was so inadequate to the object of its institution, that it required a complete revision: that, under the Malabar Rajahs, their village system was well enough adapted to the ends of their military government: that under the Mysore Government, there was neither time nor tranquillity sufficient to complete a new one, but that whatever we have of useful was then introduced: that the terror of our arms, and the progress of time had established tranquillity, but that we had made little improvement, and had rather retrograded than advanced in those arrangements which were most essential: that the approach made by the Mysore Government to a village establishment, in the appointment of village Parbutties, had since been rendered of no avail, by reducing the number of those officers, and converting them into a subordinate district establishment: that we had a superior district establishment under the Tehsildars or Sheristadars, as they were called in Malabar, and a huzzoor or provincial one under the Collector, in both of which the head native servants were too poorly paid to expect much good from them, and that with all those establishments, there were no means of obtaining and preserving correct detailed village accounts: that the double district establishment without a village one, served only to widen the distance between the Collector and the landholders, and to place every thing respecting their real condition out of his sight: that there was no ryotwar province in which he had so little communication with them, and where he ought to have so much. The First Commissioner, therefore, proposed to render the principal officers of the huzzoor and district cutcherries more respectable, by increased allowances, and to introduce a regular village establishment, for the particulars of which the Commission beg to refer to his report.

199. With respect to the village establishment, the report stated that the Regulations passed in 1816 require that there should be Curnums to perform particular duties, but that, had no such Regulations been passed, Curnums would still have been necessary for the security of the revenue: that, without them, there could be no system in revenue accounts, and no information entitled to any confidence as to the resources of the country: that the number of Curnums proposed would be fully adequate to the performance of every service required of them: that they would have more to do than in other districts, in registering the sales and various kinds of mortgages of lands, but much less labour in accounts, because the revenue being paid in money rents, and generally paid without any balance by a very large proportion of the landholders, the details would be much simpler and shorter than where rents were paid both in money and kind, and were regulated every year by the extent of land in cultivation: that the number of Kolkars proposed might appear insufficient, when the number of the inferior servants in other districts was adverted to, but that the customs of Malabar rendered the greater part of such servants unnecessary: that the great superiority of the Namboorees and Nairs to the other castes, and the long existence of military tenures, have established such an extraordinary degree of subordination among the different castes, and of deference from all to the chief of the village, that while it remained he would hardly require any servants, as every man in the village would obey his orders without hesitation: that the village servants should be paid in land rather than in money: that land conferred more respectability, and was regarded as more permanent: that a higher value was set upon it than upon a money allowance: that a good deal of land in Malabar had fallen into the hands of Government, by forfeiture and other means, and ought, as far as possible, to be allotted to the maintenance of village servants: that it could only partially be appropriated in this way at present, because it lay in large quantities, and is confined to particular villages, and can only be useful to the servant when it is situated in his

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his own village: that the unappropriated part of it might be gradually sold, and the price employed in the purchase of village service-land wherever it was wanted: that the village servants, where they did not receive land, ought to be paid by a remission of rent: that this would be more acceptable to them than a money allowance, both because it was more convenient and more respectable, and further, was not liable to be diminished by embezzlement, to which all money payments, particularly to so numerous a body of revenue servants, were always more or less exposed: that where the village servant paid no rent in which he could receive a remission, he must necessarily be paid in money.

200. The expense of the village establishment proposed by the first Commissioner would be as follows, estimating the land rent and village taxes at Pagodas 5,00,000:

Heads of villages, one and a quarter per cent. of the above sum, Pagodas	6,250
Curnums or Menwas, two per cent.	10,000
Kolkars, three-quarters per cent.	3,750
Pagodas	20,000

The report stated, that as the application of these rates to every village would make the allowances to the servants in some villages too high and in others too low, it would be advisable to increase the rates in the small villages and to diminish them in the large ones, in proportion to the amount of revenue, according to a scale submitted by Colonel Munro: that the rate proposed for the heads of villages was low, compared to what was usual in other districts, but that, as in Malabar, they had in general lands of their own sufficient for their maintenance; and as they were fond of office, even where it conferred no advantage besides a little authority and distinction, the rate would be sufficient to answer the ends of inducing them to execute cheerfully the duties assigned to them, and of attaching them to the Company's government.

201. The First Commissioner observed, that the whole of the proposed charge would not be an addition to the present expense, as the parbutti, now

called the village establishment, amounted annually to... Pagodas	17,810	7	16
That the proposed village establishment to be substituted for it was	20,000	0	0
Leaving only, as an additional expense, the difference	2,189	37	64

But that, as the reduction of the parbutti establishment would occasion an increase of that of the Tehsildars, the actual additional expense from the measure proposed would be about Pagodas 11,000; but that, were the whole sum of Pagodas 20,000 to be an extra charge, it ought not to prevent the immediate appointment of a village establishment, for, without it, there could be no correct knowledge of the state of the province and its resources, and there could neither be any efficient internal administration, nor that connection which ought to subsist between Government and the inhabitants. The First Commissioner, therefore, recommended the adoption of the measure.

202. The First Commissioner next took a survey of the huzzoor and district establishments of Malabar, which he considered to be totally inadequate to the purposes of their institution, and to require a complete reform. The report stated, that the main defects of this system were, the want of detailed accounts of the land revenue, and the customs, tobacco, and salt revenue being placed under officers independent both of the Tehsildars and the huzzoor Sheristadar: that the Sheristadar received hardly any accounts from these departments, and had no control over them; and that the agents entrusted with the management had, consequently, the same facility as formerly in Coimbatore, of committing the greatest abuses with very little danger of discovery. The reform which the first Commissioner recommended was the granting to the Sheristadar authority over every department in all its details, and providing the means of furnishing every account he might require, and he accordingly submitted estimates of the necessary establishment, drawn up with a view to this object.

203. Although no augmentation of the present custom establishment was deemed necessary, the First Commissioner disapproved of the manner of conducting

ducting its duties, and suggested a different system, by placing them under the control and authority of the district cutcherry and the Collector's Sheristadar.

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204. The same observation equally applied to the management of the salt revenue, the department entrusted with it being independent both of the district cutcherry and the Collector's Sheristadar, and the First Commissioner recommended its being placed under both. The report stated, that the principal sources of the complaints preferred to the First Commissioner, while in Malabar, arose from the tobacco and salt monopolies and the land-rent: that, first, with regard to the tobacco, the grievances complained of were merely of that general nature, which must always be felt when the price of any article of general consumption was greatly enhanced by monopoly: that the commodity was not a necessary of life, and that there was no other way by which an equal revenue could be raised with equal ease to the inhabitants: that, secondly, with regard to the salt, the inhabitants in general of Malabar were not more affected than those of other provinces by the monopoly price, but that the dealers complained of the measurement at the depôts, and the land-owners who made salt on their lands, both of the measurement and of the prohibition of the manufacture.

205. The First Commissioner entered into the details of embezzlements in the salt revenue by measurement and wastage, and also from paying more for foreign salt than the actual purchase-price, amounting annually, during a period of five years, to Star Pagodas 21,137 44 15. This result, the First Commissioner observed, was not drawn altogether from actual accounts, but partly from estimates of surplus measurement and wastage, and prices paid to the importers by the brokers; but that those estimates, he believed, were rather underrated than otherwise. On the importation of foreign salt, he observed that it had almost supplanted the home manufacture, and occasioned general discontent: that the fact of a salt revenue greater than that of Malabar being realized in Canara, without any importation, was sufficient to prove that it was not absolutely necessary, even for the sake of revenue, to suppress the home manufacture.

206. The report observed, that the next subject of complaint was the assessment of gardens and rice-lands, by which was not meant any general inequality of assessment, but the continuance of the original assessment on gardens and rice-lands, which had been so much deteriorated from various causes, that the produce was no longer equal to the discharge of the rent. The First Commissioner suggested the means by which those complaints might be redressed, which would not only secure the revenue, but obviate, in a great degree, the necessity of selling lands for arrears, the practice of which being now generally introduced, was received with general dissatisfaction: that this remedy might be proper among zemindarries and great estates, but was otherwise among innumerable small properties, as in Malabar, where the land-owner and the cultivator were very commonly united in the same person; and that the same means should be adopted, both for the security of the land-owner and of the revenue, as were customary in well regulated ryotwarry districts.

207. The Commissioners having been desired to report * whether it would not, in their opinion, serve to promote the views of the Honourable Court of Directors, and prove a salutary arrangement, to give primary jurisdiction to Collectors in all matters falling within the provisions of the pottah, the distraint and the boundary Regulations of 1802; the Commission stated,† that it would be a measure highly beneficial to the country, and they prepared and submitted to Government drafts of two Regulations embracing all the points adverted to, and providing for carrying into effect the views of the Honourable Court of Directors.

208. The Commissioners took the liberty of observing, that though Regulation XII. of 1816 extends to only a few of the heads noticed in Mr. Hill's letter, it could not have been made more comprehensive, consistently with the eighteenth Resolution of Government of the 1st of March 1815, which limited the jurisdiction of the Collector to the settlement of boundary disputes on the verdict

* Letter from Mr. Secretary Hill, 2d April 1817.
† Letter to the Chief Secretary, 15th July 1817.

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verdict of a punchayet, or with the instructions conveyed in Mr. Secretary Hill's letter of the 25th of May 1816, directing the Commission to frame Regulation XII. 1816, in conformity to the Honourable Court's orders of the 20th December 1815, which limited the authority of the Collector to the referring of disputes respecting the occupying, cultivating, and irrigating of land, between proprietors or renters and their Ryots, to be tried and determined by punchayets. The Commission further observed, that the preparation of Regulations for the enforcement of the rules respecting pottahs and distraints, recommended in the Court's letter of the 29th April 1814, was not referred to the Commission but to the Board of Revenue, by the seventeenth Resolution of Government of the 1st of March 1815.

209. As the subject of pottahs is connected with that of distraint, the Commission thought that it would be most convenient to insert whatever related to both in one draft, and to comprise what regarded boundary disputes in a separate draft; and as it appeared to them that, under the existing laws, the Zemindars possessed all the means of realizing their dues from the Cultivators required by the Honourable Court, the Commission endeavoured in the drafts to fulfil the other part of the Court's orders, of affording protection to the cultivators from the exactions of the Zemindars.

210. The Commissioners took a view of the provisions of those drafts, and made such remarks as seemed necessary, where it was proposed to modify or rescind the law, and observed that when those drafts should have been passed by Government, the Collector would have jurisdiction in almost every case of public revenue as well as of rent between individuals, and that he would thereby have the means of not only securing the revenue from loss more readily than at present, but of promoting the ease of the inhabitants, by the speedy adjustment of their suits, while at the same time an appeal in every case lying open to the zillah court, would guard them against every act of oppression.

211. The Magistrates of the zillahs of Tanjore and Tinnevelly having forwarded to the Commissioners the police establishments which they deemed necessary for their respective zillahs, the Commission submitted them for the sanction of Government, for the present* observing that, when further experience should have shewn how far an union of the police and revenue establishments would admit of reductions being effected without injury to their efficiency, they could be hereafter made by a revision of the whole.

212. The Commission also submitted a district establishment proposed to them by the late Collector in Malabar, and observed, that as the First Commissioner had recently submitted to Government a report on the inefficiency of the revenue establishments of Malabar, and proposed an enlarged one, they thought that no final arrangement could be made, until Government should have determined how far the revenue establishment proposed by the First Commissioner should be adopted.

213. Some of the magisterial servants having been retained by the Judges, it became necessary to authorize the Collectors to entertain others of the same description. A copy of the Commissioners' correspondence on this subject with the several Collectors was submitted for the information of Government, to shew that they had endeavoured to keep the establishments on the lowest possible scale consistent with their efficiency. The Commissioners further stated, that from the incomplete returns which they had received, there was, by the transfer of the police to the Collectors, a net annual decrease of expense, amounting to about 30,000 Star Pagodas, exclusive of the zillahs of Madura and Coimbatore; but that no just comparison could be made under a partial revision, as not only some of the police servants retained by the Judges might be reduced, but also a part of the establishment employed in the civil administration of justice.

214. The Judge of Chittoor represented to Government the necessity of an increase to his establishment of four English writers, on the ground that there would be full employment in future for the Judge, Assistant Judge, and Register,

* Letter to the Chief Secretary, 21st July 1817.

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gister, under the operation of the new laws. This proposition being referred to the Commission, for their consideration and report, they showed, by a comparison of the number of causes disposed of in 1816 and 1817, in the Chittoor zillah, that the business before the European authorities had decreased about one-half, and increased before the native judicatories in the proportion of about one-third. Under these circumstances, the Commission deemed the addition of English writers proposed by Mr. Wright unnecessary, and they took occasion again to submit the expediency of abolishing the office of Assistant Judge.

215. The Assistant Collector in charge of the Tanjore zillah having been directed to report on the progress made in the introduction of the new system, his reply was sent to the Commission for their consideration. He stated that two things were wanting, in order to render the village Moonsiff system in any degree efficient in Tanjore.

The first was, an extension of the provisions of Regulation IV. 1816, so as to authorize Collectors to nominate, in certain cases, the proprietors of villages, though non-resident, to act as head inhabitants of such villages, and to appoint in villages where there was no head inhabitant connected with agriculture, a Kashagoodee, to act in that capacity. The second was, the exemption of the head inhabitants of villages from contributing to the police establishment.

216. The Commission stated, in reply, that these subjects had been brought to the notice of Government by the First Commissioner, in his report of the 8th February last, and they recommended that they might be allowed to provide, by a supplementary Regulation, for whatever might be necessary to render the village system more complete. They also recommended, that the Tanjore heads of villages should be exempted from the house-tax imposed for the support of the police establishment; and that should any other house-tax exist, from it likewise.

The Commission further recommended, that the Collector should be required to prepare statements of the amount of remission of taxes which has been granted to the heads of villages, and other Meerassadars of Tanjore, since the commencement of the Company's Government, and likewise of the amount of allowances formerly received under the Rajah's government, by the Natumkar or head of the village, from the Meerassadars, as those statements would show whether the heads of villages in Tanjore did not actually enjoy remissions equivalent to the allowances granted to those in Coimbatore, or if they did not, whether the deficiency ought to be made up by an assessment on the Meerassadars, or by Government.

217. The zillah Judge at Vizagapatam having represented to the Sudder Adawlut the irregularity of the village Moonsiffs, in not furnishing returns of causes decided by them, the Judge's letter and the Sudder Adawlut's proceedings thereon were forwarded to the Commissioners for their consideration and report.

218. The Commission stated, that as the Regulations came to be better understood, more regularity would be in future observed by the village Moonsiffs in making the prescribed returns; and that, should Government be of opinion that some penalties were necessary to enforce their transmission, the Commissioner stated that such penalties should attach to the Curnums, and that a clause to this effect should be inserted in a supplementary Regulation.

219. The zillah Judge of South Malabar represented to the Commission the necessity of an additional district Moonsiff in his zillah, in consequence of the arrear of unsettled suits rapidly increasing. The Commissioners brought this circumstance to the notice of Government, and stated that the most effectual remedy for the evil complained of would be the employing of village Moonsiffs, who would relieve the district Moonsiffs from a great number of petty suits; and they suggested, that orders should be issued for carrying into effect the arrangement regarding village Moonsiffs recommended by the First Commissioner, in his report of the 4th July 1817, and that, as some months must elapse before the system of village Moonsiffs could be brought into

Mr. Stratton's Report, 21 March 1818.

into operation, that the zillah Judge should be authorized to appoint an additional district Moonsiff.

220. The Government were pleased, in consequence, to direct the Board of Revenue to entertain the establishment of revenue servants in Malabar recommended by the First Commissioner, and sanctioned the zillah Judge of South Malabar, employing an additional district Moonsiff.

221. Petitions from two of the late police Darogahs of the Chingleput zillah, soliciting pensions, having been referred to the Commission for their report, on the ground that they held the office on high pay, as a compensation for the loss of privileges and emoluments to which they possessed a hereditary title, the Commission stated that the first petitioner, by his own statement, had been raised from the situation of a common Peon to be a police Darogah, and that consequently he had no claim on Government for the loss of former privileges and emoluments, and that the other petitioner was already better provided for than many discharged police Darogahs, by the possession of a village on Shotrium tenure.

222. In submitting a statement of the estimated and actual charges of the Magistrate and Police establishments, from the 1st November 1816 to the 12th July 1817, in the zillah of Tinnevelly, the Commission brought to the notice of Government that the actual charges proved Pagodas 293 19 14 below the estimate they had submitted for the sanction of Government on the 21st July last; and they further observed, that Mr. Cotton's proposed establishment for the current fusily exhibited a decrease of Pagodas 129 below the annual pay of the last proposed establishment: and the Commission stated their conviction, that when the advantages to be derived by the union of the police and revenue establishments should be better appreciated by experience, further reductions of both establishments might yet be expected.

223. A statement of the actual disbursements in the Police department in the zillah of Bellary, from the 16th November 1816 to the 12th July last, having been referred to the Commissioners for their report, the Commission observed, that no reduction of expense had occurred in that zillah from the Collector's Tehsildars having always acted as police Darogahs, and from there being no Thanadars, both of which offices were abolished by Section 3, Regulation XI. 1816: that they, however, thought that Mr. Chaplin's police establishment would admit of some reduction when the state of public affairs might render the measure expedient.

224. The general question which arose, regarding the claims of Thanadars who had been recently thrown out of employ, having been referred to the Commission for their consideration and report, the Commissioners observed, that the Collectors were not precluded from employing the Thanadars and police Peons who had been recently dismissed, and that, considering the large body of men who were employed under the judicial, revenue, and police authorities, they were of opinion that, if casualties and vacancies were filled up by the dismissed police servants, that all those who were distinguished for good conduct would gradually find employment.

225. The Magistrate in the zillah of Madura having applied for permission to entertain some additional servants, the Commission brought his request to the notice of Government, and shewed that, allowing for the expense of the additional servants required, there was still, by the dismission of the police Darogahs and Thanadars, a reduction of expense in the Madura zillah, by the transfer of the police to the Collector, amounting to Pagodas 124½ per mensem.

226. Some papers relative to the police establishment in the zillah of Coimbatore having been referred to the Commission for their consideration and report, the Commission attentively examined the statements referred to in Mr. Thackeray's address, and had the satisfaction to bring to the notice of Government, that the police establishment proposed by Mr. Thackeray for the Coimbatore zillah was Pagodas 193 23 40 per mensem below the former police establishment, after allowing for the transfer of some servants from the custom and tobacco departments to the police, by which the pay of those servants would be a saving to both those departments.

227. The

227. The Commission prepared and submitted, for the information of the Right Honourable the Governor in Council, two general abstract statements, shewing the number of original causes and appeals decided in the several zillah courts and by the several native tribunals, between the 1st January and 30th September 1816, and the 1st January and the 30th September 1817. This comparison exhibits a diminution in the latter period, in the number of original suits and appeals decided by the European authorities, amounting to 1,932, and an increase in the same period in the number of original suits and appeals decided by the several native tribunals, amounting to 21,021. The Commissioners observed, that although they never entertained the least doubt of the ultimate success of the new system, yet they were not prepared to expect so favourable a result in so short a period: that as out of 7,423 causes decided by village Moonsiffs in nine months, only three appeals were pending, it could hardly be doubted but that the inhabitants are satisfied with their decisions, and that, much as punchayets may of late years have fallen into disuse, not a single decision by them had been reversed: that although the village Moonsiffs have done but little in some zillahs, and nothing in others, that still a comparison of nine months of the two years, 1816-17, shewed "how disproportioned "the means of judicial administration under the late system were to the wants "and necessities of the people." Mr. Stratton's Report, 21 March 1818.

228. The Commission also remarked, that the new system had already enabled them, on former occasions, to recommend the abolition of the office of Assistant Judge, and that, should the Government deem it expedient, from the great decrease of business before the Judges by the transfer of the magisterial duties to the Collectors, to make any reduction in the number of the zillah courts, they should be ready, whenever required, to state the manner in which the reduction should be made.

(Signed) GEORGE STRATTON,
Commissioner.

SECRETARY *to* BENGAL GOVERNMENT *to* SECRETARY *to* MADRAS GOVERNMENT,
Dated the 19*th May* 1818.

To D. Hill, Esq. Secretary to Government at Fort St. George.

SIR:

I am directed by the Honourable the Vice-President in Council to acknowledge the receipt of a letter from you, dated the 24th ultimo, with the documents alluded to in it, and to acquaint you, for the information of the Right Honourable the Governor in Council, that the local Government have thought it expedient to suspend the consideration of the papers above mentioned, until they shall have before them the reports from the Sudder Adawlut and Board of Revenue, alluded to in the last part of your letter, and which it will be satisfactory to receive at as early a period as may be practicable. Letter from Bengal Government, 19 May 1818.

I have, &c.
(Signed) W. B. BAYLEY,
Acting Chief Secretary to Government.

Fort William, 19th May 1818.

SECRETARY *to* MADRAS GOVERNMENT *to* SECRETARY *to* BENGAL GOVERNMENT,
Dated the 8*th December* 1818.

To W. B. Bayley, Esq. Secretary to the Government, Fort William.

SIR:

I am directed by the Right Honourable the Governor in Council to request, that you will lay before the Most Noble the Governor General in Council the accompanying copies of the reports which have been prepared by the Letter to Bengal Government, 8 Dec. 1818.

Letter to Bengal Government, 8 Dec. 1818.

the Sudder Adawlut and by the Board of Revenue respectively, on the revised judicial system, in consequence of your letter of the 18th November 1817. The Governor in Council also transmits a copy of a report on the same subject, which has been prepared by the late Commissioners for revising the Judicial system, since the return of Colonel Munro from the military operations in which he had been engaged. The Governor in Council does not consider it necessary to delay the transmission of those papers, for the purpose of communicating along with them that review of the recent changes in the system of internal administration for this presidency, which he proposes, at as early a period as may be practicable, to lay before the Honourable Court of Directors.

I have, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George, 8th December 1818.

REPORT *of the* BOARD *of* REVENUE,
Dated the 31st August 1818.

Report of Board of Revenue, 31 Aug. 1818.

Par. 1. The orders of the Governor in Council, under date the 1st May last, required the Board to furnish the Governor in Council with information on such of the points stated in the letter from the Supreme Government, of the 18th November 1817, as might fall under the Board's "official cognizance," and the orders of the Governor in Council of the 16th, received on the 24th June following, desired that the information called for might be furnished without delay, and directed that the Board should state within what period their report might be expected to be laid before Government.

2. The Board, on the 29th June, reported that they had found it necessary to apply to the Collectors for information on some of the points noticed in the letter from the Supreme Government, but they named the 31st August as the period within which they expected to be able to furnish their report. They accordingly now proceed to take into consideration the replies received from the several Collectors to the circular letter of the Board, under date the 17th June.

3. It appears that the Collectors of Nellore, Coimbatore, and the head Assistant in charge of Bellary, are of opinion that the duties of Magistrate do not materially interfere with their revenue duties; but Mr. Fraser qualifies this opinion by observing, "I refrain from interference, unless where the affair "appears of such importance as to require my own immediate investigation, "or when there is any doubt, on which latter occasion directions are given, "because I consider this to be the intention of the system lately introduced, "and that investigation in the first instance by an European, on occasions "where there must be one and may be two other ordeals, superintended by a "Judge, is in general unnecessary, and may sometimes do harm, by e-abling "delinquents to have more opportunity for escape through corrupt me-

Mr. Sullivan observes: "when I discharged the duties of Magistrate m-f, "I did not find that they interfered in the smallest degree with the re- "duties; neither did Mr. Thackeray. They occupy, perhaps, one hour a- "on an average of the year."

Mr. Nisbett observes: "In the first part of this period I did not find th- "the additional charge impeded in any degree the performance of my oth- "labours, as it seldom occupied me above two hours a day; on the contrary, "I am of opinion that the new arrangement accelerated business, by giving "greater weight both to my own and the Amildar's orders, in matters con- "nected with revenue. The latter, too, I have reason to think, exercised "more vigilance, and were more zealous in the detection of crimes, from a "wish to ingratiate themselves in the quarter where their private interests were "immediately concerned than under the zillah court."

4. The

Report of Board of Revenue, 31 Aug. 1818.

4. The Collectors of Malabar, Salem, Guntoor, and Ganjam, have not given decided opinions.

Mr. Hargrave observes: "At particular times I have certainly found the discharge of my police and magisterial functions interfere with my revenue duties, and at the present moment I am obliged to let my assistant conduct the investigation of all crimes, disputes, &c. though I retain the management of the police in my own hands."

Mr. Vaughan states: "The police duties were generally found tolerably light, and did not interfere too much with our revenue duties in general, particularly during three circuits, in consequence of the Judges then on circuit expressing no dissatisfaction at the mode of transacting our business. A difference of opinion, however, between the Third Judge of circuit and myself having occurred, the matter was referred for the decision of the Court of Sudder Adawlut, which was given in favour of the Third Judge, according to his interpretation, though not so decidedly, in my opinion, as he conceived."

Mr. Oakes states: "When, as at present is the case, I have to perform the entire duties of magistrate, I am under the necessity of holding my cutchery from six o'clock in the morning till eight, and again from ten to three; after which the native establishment remains in office until six o'clock in the evening, when the orders given during the day are read and signed."

Mr. Cazalett observes: "There is not, however, so much Magistrate's business in the district as to prevent the Assistant, although superintending this department, from proving himself most aiding towards the discharge of the revenue duties." He adds: "The discharge of the functions of Magistrate, as at present they are required to be performed without the aid of an Assistant, might interfere with the revenue duties. The great niceties which the Regulations require to be observed in all proceedings, and the strictness with which these are enforced by the court of circuit, I find, from late experience, render it necessary for the Magistrate personally to look to the correctness of every paper." With reference to the scrupulous niceties and attention to forms, Mr. Cazalet further observes, that "his remarks apply with equal and greater force to the heads of police (natives), who in their proceedings are directed to observe so many forms, and such exactness in all investigations, that the duty becomes very severe; for the result of all this is, that either the head of the police will neglect his revenue duties, to enable him to attend to these augmented and increasing particulars of police detail, or, what is much more likely to be the case, he will refrain from taking notice of many offenders, from the difficulty of finding time personally to take and prepare the several examinations and forms of proceedings, with the exactness and great precision required by the circuit court."

5. The Collectors of Rajahmundry, North Arcot, Chingleput, Trichinopoly, Madura, Tinnevelly, Tanjore, Guntoor, Masulipatam, Vizagapatam, and Canara, are of opinion, that the discharge of the duties of Magistrate, when performed by them in addition to their revenue duties, materially interfere with the due discharge of the duties of the revenue department.

Mr. Smalley observes: "To answer the subject generally, I should say that, at present, the Collector has not leisure to attend properly to both the revenue and magisterial duties of this district; but whenever the land revenue shall be again collected from a few Zemindars, he certainly might, with one Assistant, execute fully both offices."

Mr. Cook observes: "From the temporary absence of the assistants, the magisterial department has occasionally devolved wholly on the Collector; in replying, therefore, to the third paragraph of your Secretary's letter, I have no hesitation in stating, that I consider the extensive and laborious duties of the joint situations such as cannot be performed, either with satisfaction to the individual or to the interest of the public service.

Mr. Lushington observes: "With respect to the third query, I have certainly found the office of Magistrate, as now constituted, to interfere materially

"with

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"with my revenue duties. In fact, when it is considered how many important "duties are vested in a Collector of an unsettled district, the constant vigilance "which is requisite to restrain the revenue officers from abusing their trusts, "I think it impossible that any extensive duties, like those of Magistrate can "be imposed upon him, without causing him to neglect his office of Collector;" but he adds, "since the transfer of the magisterial department, I have, how-"ever, been led to the following conclusion, viz. that considerable public good "would result from allowing magisterial powers to remain with the Collector, "even in the event of the office of Magistrate being again transferred to the "zillah Judge;" and again, "the result therefore of my experience, since the "transfer, is this, that the office of Magistrate, as now constituted, is too great "an addition of duty to the office of Collector: that the office might be ren-"dered more efficient if exercised by the zillah Judge and Collector conjointly, "and that, should it be deemed expedient to continue the office as at present "established, the aid of additional European assistants to a considerable extent "is absolutely required."

Mr. Cotton states: "I have the honour to inform you, that besides holding "a general superintendence as Magistrate, I find it quite impossible, with my "revenue duties to perform, to give my attention to any of the detailed duties "in that office."

Mr. Peter states: "In May the duties of Magistrate were performed by my "head Assistant, Mr. Drury: from June to November they were discharged "chiefly by myself, owing to Mr. Drury having been nominated Commissioner "to investigate the claims of the Travancorians to the Cardamum Hills, and to "his absence on leave to the presidency; from November to January they "were performed by Mr. French; and from January to April both by Mr. "Drury and Mr. French, who have likewise had charge of the sayer depart-"ment and some Talooks. When the whole of the duties of Magistrate "devolved upon me, before I was joined by my second Assistant, Mr. French, "I found the discharge of them interfere very materially with the discharge "of the duties of a revenue nature; and I certainly think a Collector cannot "perform both duties satisfactorily to himself, without the aid of an "Assistant."

Mr. Harris states: "On the third and last point I am not clear as to its "exact purport. If, as Collector, I am to discharge both revenue and police "duties, I have no hesitation in submitting it as utterly impossible. Even with "the aid of Mr. Cameron's zealous assistance, and the unremitting labour of "myself, I have no hesitation in stating that I consider the overwhelming "business of this zillah inadequately attended to. It is not for me to submit "in this place to the Board how that business has been conducted; their ap-"probation I have had the honour to gain. In the police I have, I hope, de-"served the favour of Government. Hence I might agree, that my Assistant "and myself are adequate to the duties of both departments, from the satis-"factory manner in which they have been performed. I have, however, little "doubt that, with the assistance of another efficient European officer, every "duty might be got through, to the greater satisfaction of Government, your "Board, and to the interests of the people at large."

Mr. Russell states: "The far greater portion of the Magistrate's business "has been performed by the head Assistant Collector, Mr. Robertson; and "had it not been for the able and unwearied assistance which I have received "from that gentleman, in the revenue as well as magisterial departments, the "various duties of my double office could not possibly have been executed with "any degree of regularity. In conclusion, I have no hesitation in declaring "that more European assistance is necessary to the efficient discharge of the "business of this collectorate."

Mr. Smith states: "When I received charge of the magistracy, I had no "records or servants handed over to me by the criminal Judge; and as I "never had experience in the Judicial department, it was natural enough I "should feel much at a loss when required to perform duties to which my "Assistant and myself were strangers. These causes, and the ignorance of "the police Aumeens or Tehsildars in the zillah, produced much unnecessary

"trouble,

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" trouble, which was greatly increased in consequence of the numerous petitions " preferred by the Zemindar of Boobellie and his adherents, who, as usual, were " found engaged in the grossest practices against the peace of their neighbours " and of Government. The result has been, that from November last until " now, that part of the duties of Magistrate which I discharge occupy more of " my time than all my other duties in the aggregate. Measures, however, " have been recently taken, founded on past experience, which it is expected " will enable me to perform that portion of the Magistrate's functions I have " not delegated to my Assistant, without interfering with those in the Revenue " department."

Mr. Hepburn observes: " From the 1st May till the end of September last " year, the duties of Magistrate were entirely performed by my Assistant, hav- " ing been called away myself from my district at that period. Since then " they have been executed both by myself and him, till about a month ago, " when he went off upon leave of absence, since when the whole business has " fallen upon me again. During the whole of that period my Assistant has " been much more a judicial than a revenue officer, the duty of Magistrate " having not only occupied nearly his whole time, but every hour I could spare " myself from my own proper revenue duties, which have been frequently in " the course of that time broken in upon, by calls of so pressing a nature from " the magisterial department, that they could not be neglected. From the un- " equal demands upon the Collector's time which accompanies the performance " of revenue duties, I have no hesitation in saying, from the experience that " has already been had of the present system, that I have found it does at times " most materially interfere with the Collector's proper duties, which at parti- " cular periods of the year are such as to afford me full employment for all my " time in conducting the revenue details. I have never, however, had more " than one Assistant at a time. From the forms and details prescribed, I also " find that it requires so constant an attendance in office, as greatly to encroach " upon that personal inspection and superintendence of the public works of " irrigation, which in this district forms so important a branch of the Collec- " tor's duty; and that a few days absence from his office upon other branches " of the service, entails an arrear of business upon him which requires consi- " derable efforts to clear off. At such times, therefore, an accession of Euro- " pean assistance is required; but if the Collector's duties are such as occa- " sionally to occupy his whole attention, the Assistants will, at such times, " become in fact the executive Magistrates in the country."

Mr. Hanbury observes: " The duties of Magistrate in this district are, I fancy, " as laborious as in any district under this Government, and more so than in " many. When the whole of the duty has been undertaken by me, I have " frequently found it more than I could satisfactorily discharge; and however " heavy the duty may now be, it will be most considerably increased if the " Magistrate shall be compelled to furnish translates, both of his proceedings " and of those of the district police, in those cases which, from his limited " power of punishment, he finds it constantly necessary to forward to the cri- " minal Judge, commonly one or two each day, sometimes more, seldom less, " and the papers in each of these cases would frequently, with close diligence, " uninterrupted by any other duty, occupy a week to translate."

6. The Board, in their proceedings under date the 18th December 1815, stated, that when the Committee appointed in 1806 to revise the existing system of local police recommended that Collectors should be appointed Magistrates, it was considered a rule prescribed by the highest authority, that all annual or other periodical settlements of the revenue were to cease, and that a permanent zemindarry settlement was to be made, either with existing Rajahs, Zemindars, and Poligars, or with other persons to be created proprietors of estates formed of many villages. The recent orders of the Honourable Court of Directors have abrogated this plan of collecting the land revenue, and have directed that the settlements shall be annual, that they shall be made with each cultivator, and that each field shall be assessed with a permanent assessment in money.*

 7. Considerable

* For the amount of Revenue settled permanently, see Minute of the Board of the 5th January 1818, paragraph 125, about twenty-nine lacs of Pagodas.

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7. Considerable progress had been made in the permanent zemindarry settlement previously to the receipt of these orders: several of the zemindarries and estates permanently settled have, however, subsequently reverted to Government, and are now under the immediate superintendence of the Collectors. The proceedings of the Board, of the 5th January last, shew further, that in the other provinces settled on the Ryotwar plan, the classification of the soil, and the money assessment fixed thereon, have been found to be so defective, that is, so unequal and so high, that the field assessments intended to be permanent require in most cases to be reformed.

8. The existing decennial village settlements will all expire within the next three or four years. Further, the revenue of many extensive provinces, in which neither the permanent zemindarry settlement by estates, nor the permanent ryotwar field money assessment has been established, will become payable in kind,* according to local usage, unless intermediately commuted for a money assessment. This mode of management must also be resorted to in all mootahs and zemindarries hereafter resumed or under attachment.

9. The Governor in Council has recently had under consideration the proceedings of the Coimbatore Commissioners, appointed to investigate the extensive abuses and frauds committed by the native revenue servants in that province.† The proceedings of the Committee appointed in 1804 to investigate the embezzlement and frauds committed in the years that the land revenue of Tanjore was received in kind, is fresh in the remembrance of the Board,‡ and it is to be regretted that their records afford numerous more recent instances of detected embezzlements, fraud, extortion, and corruption, on the part of the native servants entrusted with the settlement and collection of the various branches of the public revenue, and on the part of the head inhabitants in connivance with the servants. The extensive powers which must be committed to the native servants, to be employed in conducting the measurement, classification, and assessment of the land, preparatory to the general commutation of the public revenue, now due in kind, for a payment in money, and for revising the existing rates of the money assessments fixed by survey, must satisfy the Governor in Council that the native servants, who are to assess the land according to the instructions framed by Colonel Munro,§ will require to be vigilantly and constantly watched, or that they will commit great abuses.

10. The

* The Revenue payable in kind, from the province of Tanjore only, may be reckoned at six and a half millions of bushels of rice in the husk, or 40,000 m. garce.

† Letter from Government to the Board of Revenue, dated the 22d September 1804.

‡ The amount peculated by the head or other inhabitants and the native servants, was estimated by the Committee to be, for three years, Pagodas 2,07,800, or Rupees 7,27,300, see paragraph 33 of Committee's Report to the Governor in Council, dated 31st July 1804, and paragraph 56.

56. The avowal of guilt made by the Maylioor Meerassadars before the Committee, and their formal denial of it before the Collector when brought forward by Trivungadatayengar, attracted the attention of the Committee, and led them to question the Meerassadars on their inconsistency. They allowed that the declaration which they had in the first instance delivered to Trivungadatayengar, relative to the embezzlement in their village, was true, and that they came to the head cutcherry with a full determination to confirm it before the Collector. That on their arrival at Combaconum they were sent for to the house of a person named Ramasawmy Pillay, principal Meerassadar of their talook, where they met two persons, one belonging to Appoviah, the accused Tehsildar, and the other to Ramachender Row, the Peshcar of the head cutcherry. These people, on the part of their masters, and in conjunction with the head Meerassadar, pointed out to them the disgrace of the Sirkar servants, and the ruin of the Meerassadars of the province, as the inevitable consequences of their declaring to the Collector the embezzlement Appoviah had malle on their village. They stated, particularly, the wish of the head Peshcar, that they should deny before the Collector the truth of the accounts which they had given to Trivungadatayengar, and pointed out to them, as a corroboration of the Poshcar's wish, the circumstance of his having sent his own confidential man to communicate with them. To persuasions of this nature was added promises of indulgence from the Tehsildar. The Meerassadars of Maylioor (to use their own words), "believing in the promises of their advisers, and fearful of incurring the resentment of so "many people, united to conceal the truth," denied before the Collector the whole of the statement which they had given under their signatures to Trivungadatayengar.

The foregoing declaration of the Meerassadars given to the Committee, was confirmed in all its material points by Annacoody Ramasawmy Pillay, the principal Meerassadar of Coottalum, and Appoviah, late Tehsildar of that talook. See paragraph 36 of the Report.

§ See instructions to surveyors, assessors, and revisers of surveys of assessments, page 787 of the Appendix to the Fifth Report of the House of Commons.

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10. The frauds recently brought to light in the salt department, under the Collectors of Guntoor and Nellore, and the great increase of revenue which has subsequently been obtained in both collectorships in this branch of revenue, * evince the constant viligance required to prevent the repetition of such frauds.

11. The statement of Mr. Chaplin, the late Collector in Bellary, † that he considers a sum of forty thousand pagodas, ‡ or about half the amount of the revenue now derived from Sayer, to be annually peculated by the servants of his district in that department; and his description of the progress of a native Collector of Sayer, in obtaining money by improper means, will show the time and attention required to manage successfully this branch of revenue. Mr. Chaplin observes: "On the subject of the customs, generally, I have "but few observations to submit to the Board. Notwithstanding that the "revenue has improved of late years, this branch of it forms a perfect sink of "fraud and corruption, which seems quite unfathomable. However perfect "the Regulations may be, they seem to me to be quite insufficient to guard "against the combined artifices of merchants and Sayer servants to defraud the "Government. No sooner is one check upon embezzlement and smuggling "established, than another mode of evasion is invented, and the accounts of "the department are so intricate and multifarious, that it is scarcely possible "satisfactorily to trace the clue of frauds through the various mazes in which "they are involved. This difficulty of proving malversation is the great "stumbling-block in the way of all inquiry: great facilities are consequently "afforded to the Sayer servants of appropriating the collections. A needy "Brahmin, destitute of the means of subsistence, appointed on a salary of "three canteray pagodas per mensem to a chowky of any magnitude, im-"mediately begins to live on a comparatively grand scale, celebrates two or "three weddings for himself and his relatives in the course of the year, gives "expensive entertainments, provides his wife with costly ornaments, and not "unfrequently has a Gomashta in his own pay, to assist him in conducting the "business of the chowky. It is sufficiently obvious whence he derives the "means to supply these disbursements: they are obtained, of course, at the "Sirkar expense. The ways and means of defrauding the revenue are "various."

12. The Board of Revenue are compelled to record their conviction, that Sayer servants are not the only class of native servants in the Revenue department to whom the foregoing description is applicable. The recent roguery of the Tehsildar, whose treasury was plundered by the Pindarries, is a further proof of the want of integrity and principle in the native revenue officers in all departments. Indeed, Mr. Chaplin's description will apply to most native servants; but it is true that the opportunities for committing fraud, although great in most branches of the revenue, are particularly so in the department of Sayer or inland customs.

13. The Abkarry department, for the exclusive sale of spirituous liquors, now yields a considerable annual revenue; but it is far from having arrived at that state of improvement of which it is susceptible, either as regards the amount of revenue, the mode of collection, or the morals of the people. Any spare

*	Gross Revenue, 1817.			Gross Revenue, 1818.		
	S. Pags.	F.	C.	S. Pags.	F.	C.
January	22,486	19	62	33,015	28	46
February	22,683	6	49	46,573	31	42
March	15,850	40	47	23,635	11	19
April	14,252	20	0	27,508	27	8
May	10,344	38	11	29,041	10	17
June	5,585	32	12	12,450	38	1
11th July	3,143	40	13	4,463	9	2

† Letter from Mr. Chaplin, 27th October, in Consultations 18th November 1817.

‡ Par. 8. "I am sure that if the full extent of the Sirkar dues were realized in the custom department, they would add forty thousand pagodas to the government income in this single zillah."

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spare time and attention that Collectors could bestow, might be usefully employed in planning and executing improvements in this branch of revenue.

14. The money annually expended in the repair of tanks and watercourses, and the execution of other works of public utility now superintended by Collectors, has amounted annually, on an average of ten years, to Star Pagodas 1,16,676, or Rupees 4,08,366.* The report of the Coimbatore Commissioners details the extent to which abuses can be practised in this department of the public expenditure under a lax superintendence, and this is not, the Board regret to say, a solitary instance of fraud committed by natives in the disbursement of money in the execution of public works. In most of the districts under a permanent settlement, the repairs are not now made to any great extent at the expense of Government, but hereafter repairs will be required to be executed by them in all estates that may revert to Government. The personal superintendence, from time to time, of Collectors or of their Assistants, is necessary, to secure a faithful and frugal application of the public money in this branch of expenditure. In Tanjore, in Tinneyelly, and other provinces, the care of public works of this nature is a source of great and annual anxiety.

15. The advances made annually, to aid the poorer class of cultivators, to replace their lost capital and stock, have amounted, on an average of ten years, to Pagodas 2,71,923, or Rupees 9,51,730 8 annas; and great abuses are notoriously practised in the distribution of this money. The most vigilant superintendence is required on the part of Collectors to prevent these abuses. The amount of the annual advances for cultivation will increase, as the failure in the permanent settlement brings more estates under the management of the Collector.

16. The monopolies of tobacco in Canara and Malabar require also a vigilant superintendence on the part of the Collectors of those provinces, to prevent imposition on the consumers of this article, and frauds on the Government.†

17. The foregoing enumeration of the principal duties which the gentlemen now intrusted with the charge of the revenue and magisterial offices of extensive provinces have to perform, in the Revenue department alone, will place fully before the Governor in Council the subject referred to the Board for report in the seventh paragraph of the letter from the Supreme Government; and when the duties of Magistrate, as performed by Collectors or their Assistants in another department, are reported on by the Court of Sudder Adawlut, the Governor in Council will have under consideration the whole detail of the united duties required to be discharged by the officer appointed to the joint duty of Collector and Magistrate.

18. In some collectorships, during the last eighteen months, the duties of Collector and Magistrate have devolved entirely on the Collector or on the Assistant, and have thus been discharged by one European officer, without any other European assistance, notwithstanding that in most cases an additional Assistant had been appointed to Collectors to aid them in the discharge of Magistrate's duties.

19. For instance, in the district of Bellary these united duties were discharged by the Assistant Collector alone for a period of thirteen months. The Assistant Collector in the zillah of Chingleput was also in sole charge of these united offices during many months, at the time that several resumed estates were under the immediate management of the officers of Government, and several estates were under his superintendence, as manager under the court of wards.‡

20. The Assistant to the Collector in Tanjore was also for six months in charge of the united duties of Magistrate and Collector.

21. The Collector of Ganjam was without any Assistant for a long period.

22. The

* The Committee estimate the peculation for eight years at forty thousand Star Pagodas and upwards.

† See Board's Proceedings, dated 29th Dec. 1817. See report of Commission of Inquiry in Coimbatore, paragraph 36.

‡ Aumanee is the technical term; and it means that the dues of Government are to be received in kind from each field reaped, and to be stocked, watched, and sold, by the immediate servants of the Government.

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22. The Assistant to the Collector of Vizagapatam was absent a long time from ill health.

23. During the recent absence of the Collector of Canara from his district, all the united duties above described devolved on the head and sole Assistant.

24. The Collectors of Guntoor, Cuddapah, and Masulipatam, were employed in the investigation of losses sustained by the irruption of the Pindarries, and during such part of the time as the new system prevailed, their Assistants were in charge of all the duties of Collector and Magistrate.

25. The Collector of Malabar was at one time deprived, on account of ill health, of the services of his second Assistant, and subsequently his head Assistant had leave of absence for six months.

26. The Collectors of Guntoor and Nellore have, at different times, been deprived of the aid of their Assistants in the Magistrates' departments, and are so now, the Assistants being, on the recommendation of the Board, employed on an inquiry into abuses in the salt department.

27. During the period that the Assistant to the Collector of Madura and Dindigul was employed on the Committee for settling the Travancore boundary, the duties of Magistrate and Collector were all performed by Mr. Peter, and Mr. Peter has subsequently applied for leave of absence.

28. The duties of Magistrate and Collector have for some time devolved on the Collector of Cuddapah, during the absence or sickness of the Assistant, and are so now, the Assistant being absent on leave.

29. The Assistant in Bellary is again in sole charge of the united duties of the Bellary division of the Ceded District.

30. The Collector of Tanjore is again in sole charge of the duties of Collector and Magistrate of Tanjore.

31. From these details the Governor in Council will observe, that owing to the office of Magistrate and Collector not being now held by separate officers, provision has not been made, as was heretofore customary, when the departments were separate, on the absence or indisposition of the Magistrate or of the Collector, for the regular discharge, by separate persons, of the duties of the important and distinct offices of Collector and Magistrate, while the returns of the several Collectors shew that, in most cases, the Assistants are placed in the exclusive charge of the Magistrate's department.

32. Where the duties of Magistrate are entrusted, as they appear to have been generally, to Assistants, it further appears that the Collectors do not derive from Assistants so employed any material aid in the performance of revenue duties, so that, in fact, the duties of Magistrate have, in general, occupied the whole time of one European officer, without the office of Magistrate having been considered a distinct and separate office, and without a separate Assistant having, in all cases, been appointed to aid the Collector in the discharge of his revenue duties.

33. It is scarcely possible, even now, and certainly it will be hopeless to expect it when the Collectors are engaged in framing permanent ryotwar field assessments in money, that the united duties of Collector and Magistrate can be satisfactorily discharged, whenever, from causes unavoidable in a climate so unfavourable to health, or from causes common to the established customs of the service, either the Collector or his Assistant is removed for any time from the active discharge of their duties.

34. The decennial village leases, as before remarked, are every where drawing to a close.* In every Collectorship of the permanently settled provinces there are either a number of villages unrented, minor estates under the immediate management, or zemindarries placed in trust, under the care of Collectors.† The detailed investigations and researches which the annual settlements of

* They all expire in three years.

† The court of wards expect Collectors to manage the estates of minors under the charge of the court, with the same care as they do the villages under the immediate charge of Collectors. The collection of the revenue of minor estates is not rented out to the highest bidder, as is understood to be frequently the case in Bengal.

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of the revenue of these villages and zemindarries will require; the vigilance and attention necessary to prevent, to detect, and punish fraud committed in the department of land revenue; of the monopolies of salt and of tobacco, of internal sayer duties, of the abkarry; to prevent fraud in the disbursements of repairs and for advances, all under the same local European authority, call for the exercise of so much zeal, vigilance, and personal superintendence, that the Board apprehend it can scarcely be expected that these duties can be performed in a satisfactory manner by any one European authority.*

35. Further, if the time and attention of the Collector and his Assistant, charged with the arduous and most important duty of commuting the revenue now payable in kind from extensive provinces for a money payment, and with the annual settlement and collection of a field rent from each cultivator, is to be diverted from such momentous duties, to enquiries into complaints for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, under Section 32, Regulation IX. A. D. 1816; also complaints for petty thefts, under Section 33, or under Section 9, to apprehend murderers, robbers, thieves, housebreakers, and disturbers of the peace, and persons charged before the Magistrate with crimes and misdemeanours; to attend to all forms of process in Sections 10, and 11; to follow up the consequences of resistance under Section 18, to the extent of depriving a Zemindar of his zemindarry; to attend personally, under Section 24, to the examination of offenders, and to superintend personally their punishment to the extent allowed by law; finally, to call upon the military, when necessary, to suppress disturbance of too serious a nature to be put down by the civil power, under Section 47, Regulation XI. A. D. 1816; the Board think it probable that the interests of revenue must materially suffer by such a diversion of the Collector's time from his revenue duties.†

36. From the above cursory review of the duties of a Magistrate, from an examination of the forms and restrictions under which the duties of Magistrate must now be discharged, and under the impression that in cases of murder, combinations of castes, disaffection, treason, or rebellion, the whole attention of a Magistrate ought to be devoted without interruption to the detection and apprehension of offenders, and to the obtaining of legal evidence to convict them, the Board apprehend that it would be out of the power of Collectors, in districts where such crimes may unfortunately prevail, to perform adequately the arduous and increasing revenue duties which would be required of them. Indeed, if such events occur now, when the Collector is without an Assistant, or the Assistant is acting in both situations during the absence of the Collector, and arduous revenue duties are going on at the same time, the Board think it must be admitted that both duties cannot, in such cases, receive an adequate portion of the Collector's attention; neither can the Magistrate be expected, during the investigation of such serious crimes, or while engaged in endeavouring to prevent them, to pay much attention to revenue affairs; or if the affairs of revenue require his immediate attention, those of the Magistrate's department must be neglected.

37. The Board, in 1816, required that Collectors should transmit a monthly diary of their proceedings, to contain the substance of the principal orders issued to, and reports received from the different local native officers. They suggested ‡ that the Assistants to Collectors might usefully be employed in preparing this document. It has been furnished from very few districts, and the Board have not felt warranted in repeating their orders respecting it, owing to the pressure of public business and the frequent absence of the Assistants,

* Previously to the establishment of the courts of justice, the inquiry into the misconduct of native servants was conducted by the Collectors, in a manner, and the punishment awarded was inflicted without reference to higher authority. See the proceedings of the Tanjore Committee of 1806. Now, in most cases, the native servants are, equally with other subjects of the Company, under the protection of the courts, and cannot be punished in their persons or property, except by means of a civil or criminal prosecution.

† For the summary way in which Collectors, prior to the establishment of courts of justice, discharged the duties of Magistrate and of Judges, see Board's proceedings, dated 18th of December 1815, paragraphs 7 to 19 inclusive. In point of fact, these duties were not performed at all in most collectorships.

‡ Circular letter, dated 14th March 1816.

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Assistants, or in consequence of none having been appointed. From this document, and from the reports of Collectors, and from them only, can any information be obtained of the real state of the provinces under the superintendence of the Board; and if the diary ceases to be furnished, the Collector's reports will contain all the information that the Board or Government will receive of the internal state of each province. The actual labour of preparing a diary, that is of translating or abstracting letters received, and orders passed thereon, might be transferred to a native; but the selection of subjects must, to a certain extent, be superintended either by the Collector or by his Assistant.

38. The Board also required the transmission of a register of revenue complaints, and of decisions passed thereon; but this requisition is complied with by very few Collectors; and Mr. Chaplin, in reply to the requisition, observed,* that he devoted from one to two hours daily in the hearing of complaints *vivâ voce* in open cutcherry, and hoped that the mode of preferring written complaints would not become general, by which measure, he was of opinion, redress would be much less generally and less speedily afforded, than under the system at present observed by him. Under this explanation, the Board did not insist on the transmission of the register; but if the duty is of such importance, and occupies so much time, it must be admitted that it is proper that the performance of it should be rigidly exacted, and time be secured for its discharge.

39. The Regulations of A. D. 1816, vest also in Collectors certain judicial powers; and although they authorize the inquiries to be conducted in a summary manner, it will nevertheless be necessary for Collectors to conduct these inquiries in a judicial manner, and according to judicial forms, inasmuch as an appeal is permitted from their summary decisions.

40. On the whole, the Board are of opinion that in several districts the union of the Magistrate's office with that of Collector has proved detrimental to the interests of the Revenue department. They do not mean to deny, that when a Collector and an Assistant are constantly present in each collectorship, the various duties required to be executed in the two departments entrusted to the charge of Collectors may not, under ordinary circumstances, be performed in a satisfactory manner; but the principal objection to this accumulation of important duties on one officer, appears to the Board to be the unequal demand on the Collector's time and attention, which these various duties call for, particularly such as in the Revenue department are of a nature which require actual inspection, or of a complicated nature, requiring time and patience to unravel. The difficulty must, in that case, be in pursuing a system of superintendence, control, and execution, with expedition and regularity, in each branch of the fiscal and criminal branches of administration entrusted to Collectors. A partial remedy for this great public inconvenience, as in the opinion of the Board it must soon prove, under the heavy and unusually important duties about to devolve on Collectors, would be to place the duties of Magistrate, at least, in the hands of a separate officer, to be held responsible for the constant, regular, and efficient discharge of these duties, thereby leaving the Collector and his Assistant together, or each in the absence of the other, at liberty to devote their whole time and attention to these important labours, which the orders of the Honourable Court of Directors for the abolition of all zemindarry, mootadarry, and village settlements, will impose on those officers. At any rate, with reference to the interests of the Revenue department, the Board strongly recommend, that whenever either the Collector or the Assistant, performing the duties of Magistrate, from any cause relinquishes for any length of time the duties of his office, a separate person be appointed to take charge of such duties, in order that a separate European officer may always be in the active superintendence of each of the two departments, fiscal and criminal, now frequently united in the person of the Collector or of his Assistant.

REPORT

* Letter from Mr. Chaplin, 9th December 1812. From Mr. Chaplin, 29 May 1815.

REPORT *of the* SUDDER ADAWLUT, *Dated the 21st September* 1818.

To the Secretary to Government in the Judicial Department.

Report of Sudder Adawlut, 21 Sept. 1818.

SIR:

1. I had the honour of apprizing you, by my letter of 6th July last, that the Judges of the courts of Sudder and Foujdarry Adawlut were engaged in an examination of the various documents which might be expected to contain the information required by the Government of Fort William, regarding the practical effects of the changes in the system of judicial administration which were introduced under the Regulations passed in the year 1816. I have now to report the result of that examination.

2. The inquiries of the Supreme Government, with regard to the operation of the new system, refer generally to the three following heads:

1st, The diminution of the aggregate expences of the revenue, judicial, and police establishments: 2d, The prevention of crimes; and 3d, The detection and punishment of criminals.

3. The first head, it must be observed, does not fall within the exclusive cognizance of the courts; for such parts of the late police establishments as may be still employed in that duty, are transferred to the superintendence and control of the Collectors, and are no longer distinguished from the establishments of the Revenue department. Neither is it, at present, in the power of the Judges to report the alterations which may be practicable or necessary, whether of diminution or increase, in the establishments still considered to be strictly judicial, as the replies of the several officers to the call addressed to them through the provincial court, in consequence of your letter of the 8th May last, have not yet been all received.

4. With reference to the second and third general heads of inquiry, statements were furnished from this office, at the requisition of Mr. Commissioner Stratton, which would appear to have been laid before the Government of Fort St. George, and communicated to the Government of Fort William. The remarks which may seem to be required from the Judges on these statements will be submitted, in treating of the particular branches of the judicial administration to which they respectively belong.

5. The statements furnished from the Foujdarry or criminal department claim the first attention, according to the order of the general heads of inquiry before noticed. They consist of four, three of which only would appear to require remark, viz.

6. The first is a statement of the number of robberies and other crimes of a heinous nature ascertained by the police officers, or otherwise discovered to have been committed, within the several zillahs under the presidency of Fort St. George, from 1813 to 1817 inclusive. According to this statement, the number of ascertained crimes has varied in the five years from 3,137, the highest, in the second, viz. 1814; to 1,117, the lowest, in the fourth, viz. 1816. The series warrants no conclusive inference for which the number fell in 1816, from November of which year only did the trasfer of the police to the superintendence of the Collectors of land revenue take effect: it increased in the following year, 1817, to 2,366, being the second in magnitude in the statement, while the number of persons concerned, in proportion to the number of crimes committed, has considerably increased in the last year. The number of persons apprehended appears to have been generally in the proportion of about one-half. In this review, the Judges have excluded from the totals quoted a body of Pindarries, who invaded the Masulipatam zillah in the year 1815, and whose computed numbers were inserted by the Magistrate in the statement of that year. *Sic orig.*

7. The second statement furnished to the Commission, shews the number of persons committed or held to bail by the Magistrates and criminal Judges of the several zillahs under the presidency of Fort St. George, to take their trial before

before the court of circuit, from 1813 to 1817 inclusive. This statement shews a very considerable falling off in the number of cases in which it was judged proper to commit the persons accused or to hold them to bail. These appear to have varied, from 1,129 in the first year of the statement (1813), to 554 in the last (or 1817). The diminution was not progressive. In the second year (1814) the number fell to 978; in the following year (1815) it was augmented to 1,009. In the year 1816 the number of crimes is stated at 808, and in the last year (1817) at only 554. The number of persons concerned and committed, or held to bail, has also varied, being 2,645 in the first year of the statement, and 1,115 in the last.

8. It would appear from the eighth paragraph of the report of the Commission, accompanying Mr. Stratton's letter to the Chief Secretary to Government under date the 23d April last, that the Commission had inferred, from the statements furnished to Mr. Stratton, and had represented to Government, that both the civil and criminal business before the zillah Judges had greatly diminished under the operation of the Regulations of 1816; but allowing, what there may appear reason to doubt, that this were the case, a comparison of the results of the two statements can scarcely be said to afford matter for congratulation. The number of heinous offences ascertained to have been perpetrated has multiplied, under the operation of these Regulations, from 1,117 in the first year, to 2,366 in the second, while the number of cases in which there has appeared sufficient evidence to warrant committing or holding the accused to bail, fell from 1,009 in the year 1815, to 808 in the first year of the system, and was further diminished under its continued operation, in the second, to 554. Such a result cannot be the effect of increased vigilance on the part of the police, but it may be attributable to an opposite cause, and it certainly offers no assurance that persons and property are more efficiently protected than they were before the change of system was introduced. With regard to the time of the criminal Judges which may be occupied in the investigation of the more limited number of cases which may be brought before them, no information is to be collected from the statements.

9. The third statement submitted by the Commission, and on which only one observation is necessary, is a statement of cases depending before the Magistrate and criminal Judges at the end of each year. The large number which appears in the years 1813, 1814, and 1815, must be ascribed to the errors of the Judge and Magistrate of Salem. On reference to the report of prisoners in that zillah for the month of January 1816, there appeared 482 cases unexamined; and the court felt it to be their duty to direct that the civil court should be shut, in order to clear off the arrear of criminal business.

10. No inference, with regard to the operations of the system, can be deduced from the fourth statement submitted by the Commission to Government.

11. The court will now proceed to notice the following points, relative to the operation of the criminal enactments of 1816, on which the Vice-President in Council desires to receive information.

12. The first question is: "Whether the period during which prisoners are "detained in confinement under examination is generally shorter than formerly?"

13. Both in the periodical reports which have been forwarded since the introduction of the new system, and in the trials which have been forwarded from time to time to the court of Foujdarry Adawlut, numerous instances have appeared of detention, either at the police stations or with the Magistrate, before the prisoners have been forwarded to the criminal Judge of the zillah; and in some instances considerable delay has been occasioned by the irregularity of the police officers, in sending to the Magistrate prisoners who should have been forwarded direct to the criminal Judge of the zillah. The attention of the several officers by whom these delays have been reported has been particularly directed by the court to a correction of these abuses: and, in as far as they arise from inattention on the part of the police officers to the provisions of the Regulations, it is to be expected that they will gradually become of less frequent occurrence. It is, however, the duty of the court to remark, that in some

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some of the cases here referred to, the delays have been attributable to causes which may be considered to be inherent in the system, and to which, therefore, it can scarcely be hoped that time will bring any remedy.

14. In some of the reports of criminal cases depending on the 31st December last,* as well as in some of the late quarterly reports of prisoners, certain numbers attracted the attention of the court, wherein persons who had been apprehended as far back as the month of August preceding were stated to be still under examination. On calling upon the several authorities to explain the causes of these delays, it appeared that they had arisen either from the non-arrival of the prisoners at the zillah stations, or from the non-attendance of the prosecutors and witnesses, or from references to or through the Magistrates for further information. Where such delays have been occasioned by the remissness of the police officers, the Magistrates have been commanded to take the necessary measures, in order to prevent the recurrence of such irregularities; but that they still continue to prevail to a very considerable extent is apparent, from a document which accompanied the Canara calendar for the second sessions of 1818, and which shews that prisoners have been detained at the police stations, in numerous instances, for periods varying from nine days to two months and a half. The second cause of delay will be more particularly considered under the next head of inquiry; and, with regard to the third cause, it is to be apprehended, that the want of a free communication between the criminal Judges and the native officers of police (an evil which is inherent in the very nature of the new system) will ever be found to be productive of delays seriously detrimental to the ends of public justice.

15. Facts which have appeared on the records of criminal trials referred for the final sentence of the Foujdarry Adawlut, and which have called forth particular remark, may also be noticed in this place. In one of the trials referred from Bellary during the second session of 1817, it appeared in evidence that the prisoners had been detained at the police cutcherry for fifteen days. In a trial which was referred during the same sessions from the zillah of Canara, it appeared that inquiry was suspended for some days subsequent to the commission of a homicide, owing to the absence of the Shambog (or Curnum) of the village; and, from the records of various trials received from the zillahs in the northern and western division, during the last and present sessions, it has been seen, that delay has resulted from the continued irregularity of the police officers, in regard to forwarding prisoners to the Magistrate, in the first instance, instead of the criminal Judge.

16. In all these instances, the court of Foujdarry Adawlut have issued such instructions as they considered necessary, in order to obviate the recurrence of delays so injurious to the ends of justice; but the following passages will place in a strong point of view the great inconvenience and delay which must necessarily be expected to arise out of the operation of the present system, and which the free communication, by a late enactment provided to be made between the zillah criminal Judge and Magistrate, can only have a partial tendency to remove. In a return made by the criminal Judge in the zillah of Cuddapah to a precept calling for additional evidence in a case which had been referred for the final sentence of this court, it was stated by the criminal Judge, that he "entered into communication with the Magistrate of the zillah, in order to "procure the assistance of the police of the talook in which the prisoner had "resided, but that the requisite information had not yet been received, as the "Magistrate was employed on a jummabundy tour in the opposite quarter of "the zillah." The second Judge on circuit in the northern division, in submitting a trial from the zillah of Rajahmundry for the first sessions of this year, stated, in explanation of the absence of the police proceedings, that a communication had been made by the criminal Judge with the acting Magistrate of the zillah, but that as the acting Magistrate resided at Muglatore, upwards of forty miles from Rajahmundry, as the assistant Magistrate who forwarded the prisoners originally resided at Cocanada, distant from Muglatore about sixty miles, and as Dracheram, before the police officer of which place the first proceedings were held, lies between the two, a distance of more than two hundred miles,

* Canara, Nellore, Chittoor, and Chingleput.

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miles, a great part of which was not tappaul road, must be traversed, before the required proceedings could be brought before the court: and again, the first Judge of the court of circuit in the southern division, in referring a trial from Trichinopoly for the first quarterly sessions of the present year, adverted to the fact of the inability of the district police officer to attend at a criminal investigation, by reason of his occupation in revenue duties. The attendance of the police officer, in this particular instance, was not, indeed, of indispensable necessity, but it serves to illustrate the correctness of the remark made by the first Judge, that "the interference of the revenue duties with those of "the police is a matter of daily observation."

17. The second question is: "Whether prosecutors and witnesses are now "exposed to less inconvenience than heretofore, in attending to give their evi-"dence before the Magistrate and criminal courts?"

18. Since the introduction of the new system it has appeared, from several reports and other documents transmitted to the court of Foujdarry Adawlut, that the criminal Judges have, in many instances, experienced considerable difficulty in procuring the attendance of prosecutors and witnesses. This circumstance may be attributable, in a great measure, either to negligence or to an imperfect acquaintance with their duty on the part of the police officers: to negligence, in omitting to forward the prosecutors and witnesses, together with the prisoners; or to ignorance of their duty, in forwarding to the Magistrate persons who ought to have been sent direct to the criminal Judge of the zillah. The attention of the Foujdarry Adawlut has been particularly turned towards the correction of this evil; and, as far as it has arisen from the carelessness of the native officers of police, it is to be presumed that a remedy will be found in a vigilant and constant control over the conduct of the police officers. But, with regard to the second and most extensive source of the evil here noticed, the court are of opinion that it will long continue to be productive of serious inconvenience; and they consider it, indeed, to be extremely questionable, whether it will ever be entirely removed. The ground of this opinion is, that where a police officer is necessarily left, in a great measure, to form his own judgment regarding the nature and degree of aggravation of any given offence, he may frequently send to the Magistrate persons whom that officer may consider it requisite to transfer to the criminal Judge; and it is scarcely necessary to observe, that in all the cases here supposed (cases which have been hitherto found to be of such constant occurrence) the prosecutors must be exposed to much and serious inconvenience.

19. A few of the instances will now be stated which have been brought under the observation of the Foujdarry Adawlut, connected with this branch of the subject. On calling on the criminal Judge in the zillah of Canara to explain the cause of the delay in a certain criminal case depending before him, on the 31st December 1817, wherein the charge was stated to have been preferred on the 20th August, he stated in his return to the court's precept, that in consequence of the neglect of the Tehsildar to send the prosecutor and witnesses to court along with the prisoners, he was instructed to send them up without delay; that seven of them arrived shortly afterwards, but that the remaining five witnesses did not arrive till the 27th January, when they were examined and the case finally determined. Similar difficulties have been stated to be experienced by the criminal Judges of Chingleput, Nellore, and Rajahmundry, and in all these cases the unwillingness of the prosecutor and witnesses to attend before the criminal Judge is to be ascribed to the distance they would have had to travel before they could reach the zillah court.

20. The last questions to be considered are: "Whether the existing regu-"lations provide effectually for the detection and punishment of abuses of "power committed by the natives, to whom the charge of the village and dis-"trict police is now entrusted? and, whether such abuses are more or less fre-"quently committed than formerly?"

21. The two questions are so intimately connected in their nature, that the court consider it expedient to treat of them under one head: and, first, it appears to the court of Foujdarry Adawlut, that the comparative efficacy of the old and new law, in providing for the detection and punishment of abuses of power

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power committed by the native officers of police, will be best shewn, by comparing the present enactments with those formerly in force respecting the regulation of the system of police. It was declared in the preamble of Regulation V. of 1811, that the local knowledge possessed by the courts of circuit, and the number of cases brought before them at the zillah jail deliveries, in which the conduct of the police officers falls within their observation, render it particularly expedient that those courts should control the appointments of the Cutwal's police Darogahs, and other the then existing principal officers of the police; and it was further declared, with respect to such police officers, that they would be liable to removal from the public trusts committed to them, although no specific acts of criminality might be established against them, when there might be sufficient reason to consider them incapable or neglectful of prescribed duties, or in any respect unworthy of public confidence, especially with regard to police officers within the limits of whose jurisdiction robberies or other public crimes might become to be prevalent. In conformity with the principle set forth in the preamble in the Regulation now quoted, it was provided that, on the examination of persons to hold the situations of Cutwal or Darogah, a report should be made to the court of circuit, with whom it should remain to confirm the appointment of the person so nominated, or to call for any further information that might appear requisite respecting the past employments, character, or qualification of the person proposed, or if the appointment of such person appeared objectionable, to require the Magistrate to nominate another person; and, in like manner, it was for the Judges of the court of circuit to confirm the resignation or removal of all such police officers.

22. On comparing with these provisions the rules enacted in 1816, for the establishment of a new system of police, it is to be observed, as a distinction of essential importance between the two laws, that with the exception of the village watchers and "Cutwals, wherever it may be necessary to employ them," the courts of circuit do not possess any direct control over the appointment and removal of its several native officers, who are now employed in the duties of the police. It is, indeed, declared in Regulation XI. of 1816, that officers of police, "or other persons," maltreating a prisoner or witness, shall be subject to punishment by the Magistrate or by the criminal Judge, or be committed to take their trial before the court of circuit; and it is further declared, that police officers shall be liable to be prosecuted for abuse of authority, either criminally before the Magistrate, or for damages in the zillah court. But the third Judge of the court of circuit in the western division, in addressing the court on the 19th March last, submits it as his firm conviction, grounded on long and uniform experience, that the latter measure "will not be resorted to by the "people, from a dread of the effects of the resentment of the native officers in "general, as well as of the particular individual against whom the charge may "be preferred;" and when to this unwillingness on the part of the natives to sue for redress of wrongs is added the difficulty, in many cases, of establishing sufficient "proof of criminality," it follows, as an unavoidable consequence, that the recent police enactments have an evident tendency to weaken that vigilant and efficient control, which can alone be expected to operate as an effectual check to abuse of authority among the native officers of police.

23. The only point that remains to be considered is, whether such abuses have, in point of fact, been more or less frequently committed than formerly: and here an observation naturally suggests itself, that if the reasoning pursued in the former part of this head of inquiry be admitted to be correct, it is to be apprehended that much abuse of authority may escape unnoticed, and that the actual extent of this evil may be unknown. Within the short period, however, which has elapsed since the introduction of the present system, instances of abuse of authority among the native officers of police have fallen within the observation of the court; and it appears, from the last quarterly report of prisoners from the zillah of Bellary, that two police officers have been committed to take their trial before the court of circuit, on a charge of "having received bribes to release thieves." The conduct of the Tehsildars in that district, in regard to detaining prisoners at their cutcherries, rendered it necessary for the court to direct, on the 15th November last, that the Magistrate should call the attention of the police officers under his authority to the provisions

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sions of the Regulations; and it appears, from the last quarterly report of prisoners received from Cuddapah, that one person, who had been apprehended by the police on the 17th November, did not reach the zillah court until the 10th January. A circular order was issued by the court of Foujdarry Adawlut, on the 18th June last, enjoining that the district police officers in the several zillahs should be particularly warned against employing either promises or threats in order to obtain confessions; but instances have very lately appeared in criminal trials referred to the Foujdarry Adawlut, in which undue means have been used by the police officers, with a view to persuade or compel the accused to make a confession. A remarkable instance, however, yet remains to be noticed by the court of a wanton abuse of authority, which displays, in striking colours, the danger to be apprehended from the exercise of the new powers with which the native officers of revenue have been entrusted, as officers of police, under the Regulation of 1816. It is contained in a letter from the second Judge on circuit in the northern division, dated the 24th March last, wherein that officer reports to the court the circumstances of a case, in which it appears, by the admission before the court of circuit of one of the native police officers in the zillah of Rajahmundry, that "the accused had been kept, "from the date of his apprehension to the day on which he was forwarded to "the Magistrate, a period of more than three weeks, closely confined in the "stocks."

24. The court of Foujdarry Adawlut have now replied to the several points on which the Supreme Government desire to possess information, regarding the operation of the criminal enactments of 1816. Many of the events noticed under the foregoing heads of inquiry were actually anticipated by the court, when the rules now in force were originally under their consideration.

25. To advert, in the first place, to the delays which take place before prisoners may be brought to trial, an observation was recorded by the Foujdarry Adawlut on this particular point, on their proceedings of the 29th July 1816, which has received remarkable confirmation from the last quarterly report received from the criminal Judge in the zillah of Cuddapah. The court observed, that "it was impossible to overlook the distresses to which the poorer classes "might be subject in pursuing the motions of a wandering tribunal, or not to "contemplate the probability of a future arrangement, not very distant, perhaps, for declaring that the office for receiving and hearing complaints of "personal injury and outrage shall be held at a known fixed station, and that "it shall not be necessary for an aggrieved party, seeking redress, to follow "the footsteps of any individual public officer." The case here contemplated is thus realized, with the substitution of the accused for the complainant, in the following words of the criminal Judge of Cuddapah: as the prisoner has been conducted in custody from the pooloovendula talook to Cuddapah, had thence followed the Magistrate to Nosoom, and had thence been returned to Cuddapah, this journey of more than one hundred and fifty miles was deemed sufficient, "and he was ordered to be released." Again, the court observed, in their proceedings of the above date, "that the attention of the criminal Judge "would, in all probability, be frequently called to the cases of persons who "might be forwarded by the Collector, after perhaps but a defective preliminary inquiry; or to those of persons forwarded by a police officer, whose "proceedings, it was to be expected, would be still more defective, but over "whom the criminal Judge will not hold any control, and to whom he cannot "even issue letters of instruction:" and it has accordingly been shewn, under the first head of inquiry, that much delay has been found to arise in practice from frequent references to or through the Magistrate for additional information. The inconveniences flowing from this source are also very forcibly described by the second Judge, late on circuit in the centre division, in the general report which was forwarded to Government on the 26th ultimo. On the objection urged by the court, in the same proceedings, to the introduction of the present system, on the ground "that the revenue administration would "be the primary, and that of justice the secondary duty of the Magistrate," as well as of his subordinate officers, the letter from the first Judge of the court of circuit in the southern division of the 6th February last, quoted in the former part of these proceedings, and a letter from the Magistrate of Malabar, assigning

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ing as a reason for not investigating in detail cases sent in by the police officers, that his duties as Magistrate occupied already "sometimes two or three hours "or more a day," form a strong practical comment; while the proceedings of the Magistrate of Vizagapatam, which were laid before Government on the 10th July last, and the reports from the Judges late on circuit in the centre, southern, northern, and western divisions,* which have been also submitted to the Right Honourable the Governor in Council, shew that the evil is as wide in its extent, as it is detrimental in its operation. And, in confirmation of the justness of the remark made by the court of circuit for the centre division, as noticed by the Foujdarry Adawlut in their proceedings of the 15th August last, that, "according to their belief, no single native was able to perform the two "duties of revenue and police, and that, to their knowledge, no native in "their division ever did," it is only necessary to refer to a passage in a letter lately received from the first Judge on circuit in the northern division, wherein he states, that the Tehsildars in that division have been in the habit of delegating their powers to their Peishcars and other subordinate officers.

26. The quotation which has already been made, from the court's proceedings of the 29th July 1816, may suffice to shew the opinion which has been always entertained by the Judges of the Sudder and Foujdarry Adawlut, as to the inconveniences to which it was probable that prosecutors and witnesses would be exposed, under the operation of the present system, and it only remains, therefore, that they should refer to such parts of their former proceedings as are connected with the third and last head of the present inquiry, viz. as to the frequency of abuse of power, and the means of detecting and punishing it.

27. The particular question which this division of the subject embraces was fully considered by the court of Foujdarry Adawlut, when they had before them the returns from the several provincial courts, relative to the then proposed modifications in the system of internal administration; and the passages which were then quoted by the court exhibited, in a very forcible manner, the opinions generally entertained as to the consequences likely to ensue from the union in the same office of the respective duties of revenue and police. On this point, indeed, there was scarcely any diversity of opinion among the several judicial officers, whose returns were exhibited to the Government with the Court's proceedings of the 15th August last; and the court of circuit in the centre division concluded their remarks on this branch of the subject with observing, that "the union of the two duties, besides giving to the Tehsildars "a business they could not do, would give them a power they should not hold, "so great, indeed, that it might induce them often, in the collection of the "revenue, to make use of force and terror with impunity."

28. The power possessed by the native officers of police, under the subsisting Regulations, to punish by confinement in the stocks, was considered by the Foujdarry Adawlut, in their proceedings of the 21st December 1815, upon the Regulation framed by the Commissioners of internal administration for the introduction of a new system of police, and it was then observed by the court, that twenty-four hours confinement in the stocks appeared an excessive punishment, but that, whatever authority might be granted, in this respect, to the Tehsildars, it ought to be limited in its exercise to the lower orders of the people. A provision to this effect has been accordingly introduced in Regulation XI. of 1816, and the period of confinement in the stocks is limited to six hours; but the very alarming instance of an abuse of authority in this respect, noticed in the former part of these proceedings, seems to render it deserving of serious consideration, whether a power, the exercise of which may be attended with such danger to the liberty of the subject, and which may be perverted, notwithstanding the most constant and vigilant control, to the degradation of persons of respectability, should not be altogether withdrawn, as an engine not safe to be trusted in the hands of the native officers of police.

29. In

* Samuel Skinner, Esq. second Judge of the court of circuit in the centre division; C. H. Higginson, Esq. late acting third Judge of the court of circuit in the southern division; Peter Cherry, Esq. second Judge of the court of circuit in the northern division; and James Stevens, Esq. first Judge of the court of circuit in the western division.

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29. In replying to the third general head of inquiry, which regards the operation of the Regulations of 1816 in the civil branch of the judicial administration, it is proper to state the observations which have occurred on the general abstract statement of causes decided in the zillah courts, from the year 1813 to 1817, which was furnished to the Commission.

30. On an inspection of that statement it appears, that 29,551 suits were adjudicated by the several tribunals, or withdrawn by the parties, in the year 1813; and that, of this number, 24,888 were disposed of by the native judicatories: that, in the following year (1811), the total number of decisions and adjustments was 32,034, of which 26,717 were disposed of by the native tribunals: that in the year 1815 the number of decisions and adjustments had increased to 38,615, of which 30,687 were disposed of by the native judicatories.

31. In the year 1816 the new system was introduced, and had a partial operation: the number of decisions and adjustments increased to 46,909, of which 39,714 were by the native judicatories. In 1817 the number of decisions and adjustments amounted to 71,051, of which 66,302 were by the native tribunals.

32. The total number of decisions or adjustments by the European tribunals in those years was, therefore, as follows:

1813	4,663
1814	5,317
1815	7,928
1816	7,195
1817	4,749

and the number of suits remaining on the files of those tribunals at the commencement of each succeeding year is shewn underneath:

1814	6,247
1815	6,648
1816	6,476
1817	4,603
1818	3,565

According to this statement, the quantity of business performed by the European tribunals continued to increase in each year progressively, till the end of 1815, while the number of the suits remaining on the files on the 1st January, in the three first years of the series, fluctuated, augmenting in the second, and falling off in the third year, but exceeding in the latter the number remaining on the files in the first. In the two following years, the quantity of business done, and the number of suits remaining on the files, decreased.

33. It may be inferred from this result of a comparison of the totals of figures, that the operation of the changes which have been introduced in the administration of justice in civil cases has been beneficial: but the result is, perhaps, traceable to causes, of which the court possess but partial information. Indeed, the great increase of suits, from 46,909 to 71,051 in one year, might be taken as ground for doubting the benefit of encouraging so largely a spirit of litigation. But on a nearer inspection of the columns of this statement, and reasoning on the supposition that the returns from the village Moonsiff's courts exhibit faithfully the quantity of work actually done by those judicatories, it would appear, that the litigation in the newly constituted village courts is still on a limited scale, the decisions by those courts amounting only to 6,981 and the adjustments to 3,312, forming a total of 10,293 in the year 1817. The number of decisions by village punchayets is 214, and of adjustments 36. The decisions by the district punchayets are 100, and adjustments 12.

34. The proportions which the latter numbers bear to the aggregate number of suits disposed of by the several tribunals, will, of course, be taken into consideration, in forming an opinion regarding the degree in which the tribunals of village and district punchayets, as organized under the provisions of Regulations V. and VII. 1816, are freely resorted to by parties in civil suits. It certainly does not manifest a preference of the village and district punchayets to the other civil courts.

35. But

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35. But, to pursue the comparison as far as the statement under consideration admits of, between the work done under the means formerly provided for the adjudication of civil causes, and those which exist under the Regulations passed in 1816, it would appear that the number of suits adjudicated by the former native Commissioners, meaning the Sudder Aumeens,* district Moonsiffs, and inferior Commissioners, appointed before the passing of the Regulations of 1816, or withdrawn from before those tribunals, in consequence of adjustments by the parties, was as follows:

1813	24,888 Suits
1814	26,717
1815	30,687

36. It will be observed, that the adjudication of civil suits in the native courts, before passing the Regulations proposed by the Commission appointed for revising the judicial system, was progressively increasing. The numbers adjusted by the parties, indeed, rather declined, and it is therefore proper, in order to a fair appreciation of the labours of those tribunals, to state the actual business done, in the shape of decisions and dismissals, which appear as follows:

In 1813	14,902
1814	16,801
1815	21,571

37. This view may even be extended to the following year, in which the system of the Commission of revision was introduced, when the number of suits decreed or dismissed by the former Commissioners appears to have been 23,511, and the number adjusted by parties was 8,448, making the total number disposed of by those tribunals 31,959, being 1,272 more than in the preceding year. The jurisdiction of the Sudder Aumeens under their former constitution, it must be kept in view, extended only to suits for personal property, not exceeding in amount or value one hundred Arcot rupees, or for the property or possession of land, the annual produce of which, if malguzary, might not be above one hundred Arcot rupees, or more than ten Arcot rupees if lackhirage; or for any other description of real property, the computed value of which might not exceed one hundred Arcot rupees. The jurisdiction of other native Commissioners was limited to suits for personal property, not exceeding in amount or value eighty Arcot rupees.

38. It is not intended to offer an estimate of the work which might have been performed by those minor judicatories in the course of the year 1816, limited as their jurisdiction then was, if their labours had not been interrupted; but, in order to the formation of a just judgment on the important subject under consideration, it is proper that the Supreme Government should be apprized of the progress of this part of the Judicial establishments, from its commencement until the alterations were introduced in 1816. This information will be found to be stated up to the year ending 31st December 1812, in a report laid before Government, under date the 19th February 1813. The following abstract, formed from that document, may save the trouble of reference.

39. It

* In the statement prepared in the office of the Register, under the directions of Mr. Commissioner Stratton, then an acting Judge of the court, the column allotted to the Sudder Aumeens is left blank for the years 1813, 1814, and 1815, and the statement would consequently appear to shew that no cases were disposed of by Sudder Aumeens, previously to the year 1816; but this is not consistent with the fact. The returns furnished by five zillah Judges, not having distinguished the cases decided by the Sudder Aumeens from those decided by other native Commissioners, it is not practicable to state correctly the full number of cases disposed of, by the Sudder Aumeens previously to the enlargement of their jurisdiction in 1816, but the numbers of which distinct returns have been furnished were

	Decreed or Dismissed.	Adjusted.
In 1813	1,804	1,310
1814	2,198	1,613
1815	2,389	1,617

In the following years they appear, as in the statement,

In 1806	1,385	497
1817	3,862	1,358

This explanation appears to be necessary to prevent misapprehension.

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89. It appears that, in the year

1802,

Two zillah courts were established: it may be right to add, late in the year.

The number of suits decided or dismissed.............................. 85

The number remaining on the files, at the commencement of the following year, was 80.

In 1803,

Seven courts were opened: two of them late in the year.

Suits decided or dismissed....... 1,376

Remaining on the files......873

Of these, 43 were depending before native commissioners.

In 1804,

The same number of courts continued.

Suits decided or dismissed....... 3,612

Of which 721 were by natives.

Remaining on the files......4,999

Of these 1,173 before natives.

In 1805,

Two more courts were opened.

Suits decided or dismissed....... 5,398

Of which, 1,203 by natives.

Remaining on the files.....7,790

Of these, 2,287 before natives.

In 1806.

The number of zillah courts in this year was twenty-five. In four no sittings were held. Of the other twenty-one some did not open till late in the year.

Suits decided or dismissed 9,886

Of which, 3,102 by natives.

Remaining on the files...14,180

Of these, 3,491 before natives.

In 1807,

Twenty-five courts.

Suits decided or dismissed....... 21,003

Of which, 4,881 by natives.

Remaining on the files...32,822

Of these, 7,879 before natives.

In 1808,

Six courts were abolished.

Suits decided or dismissed....... 18,939

Of which, 6,516 by natives.

Remaining on the files...31,874

Of these, 10,210 before natives.

In 1809.

The courts remaining on the reduced scale.

Regulations IV. VIII. and XVII. of the preceding year, establishing stamp duties and institution fees, which may have had a partial effect in that year, appear in this year to be in full operation.

The remuneration of native Commissioners commenced under Regulation V. 1808.

Suits decided or struck off the files....................................... 40,045

Of which, 14,025 by natives.

Remaining on the files...15,875

Of these, 8,262 before natives.

In 1810.

The European tribunals remaining the same, the aids to those courts, provided by Regulation VII. 1809, in the appointment of head native Commissioners with more extensive jurisdiction and modification of the other Commissioners,

Suits decided or dismissed....... 29,873

Of which, 22,674 by natives.

Remaining on the files...16,593

Of these, 8,642 before natives.

sioners,

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sioners, must have come into operation; also Regulation X. 1809, constituting the law officers of zillah courts *ex officiò* head native Commissioners.

In 1811,

No alteration, except an augmentation of the number of native Commissioners.

Suits decided or dismissed 37,243
Of which, 31,132 by natives.
Remaining on the files...15,820
Of these, 9,599 before natives.

In 1812.

As above.

Suits decided or dismissed 38,173
Of which, 33,232 before natives.
Remaining on the files...16,178
Of these, 10,254 before natives.

40. In submitting this review of the progress of the system, the Court remarked that the assistance derived from the natives commissioned to administer justice, from being very inconsiderable at first, had become efficient, to the extent of disposing of seven-eighths of the number of suits instituted. The Court then stated their opinion, that the number of Commissioners was not adequate to the demands of the country, and that this part of the judicial establishments could not, therefore, be considered as in full operation, but as in progress. But to return to the statement furnished to the Commissioner, Mr. Stratton.

41. It has been observed, that the alterations of the Judicial system, recommended by the Commission of Revision, commenced and had a partial operation in 1816, when the numbers of suits disposed of by the Sudder Aumeens were:

Decreed or dismissed..	1,385	
Adjusted by the parties..	497	
		1,882
By the district Moonsiffs:		
Decreed or dismissed..	3,189	
Adjusted by the parties..	1,944	
		5,133
	Total	7,015

decided by these tribunals, in the capacities in which they may be considered to resemble what they were before the introduction of the new system, and which, added to the number noticed in the preceding paragraph, form a total of 38,974.

42. The numbers of suits disposed of by the same tribunals in the year 1817 were as follows:

By the Sudder Aumeens:			
Decreed or dismissed..	3,862		
Adjusted by the parties..	1,358		
		5,220	
By the district Moonsiffs:			
Decreed or dismissed..	30,948		
Adjusted by the parties..	16,903		
		47,851	
			53,071
The suits disposed of by the remaining former Commissioners in the same time were:			
Decreed or dismissed..	825		
Adjusted by the parties..	932		
		....	1,757
		Total	54,828

disposed of by natives holding Commissions for the adjudication of civil suits in the year 1817.

43. The

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43. The considerable increase of the number will doubtless attract attention, and the records of the Court do not contain the information which may be desired on this head. It may be owing to the extension of the jurisdiction of these tribunals, for the number of them has been materially diminished, as the Court had occasion to point out in a letter to the Secretary to Government, under date the 22d August 1816. Copy of the marginal note in the proceedings referred to is added, to save the trouble of reference.* The number of suits decided by these tribunals may also be greater than it otherwise would have been, in consequence of persons having suits for personal property of a value less than ten rupees, resorting to the district Moonsiffs in preference to the village Moonsiffs.

44. There is not, perhaps, evidence before the Court sufficient to warrant an assertion, that such preference either has existed, or does exist, generally throughout the provinces; but, for the period during which the returns from the zillah courts continued to describe the nature and amount of the suits decided by the district Moonsiffs, the Court are enabled to state, that the instances of such suits being instituted before the district Moonsiffs were numerous in several zillahs.

45. It will be in the recollection of the Right Honourable the Governor in Council, that on a representation that an additional expense would be necessary, to enable the zillah Judges to continue to transmit this information, it was determined that a numerical statement of the causes filed, decreed, or dismissed, before the native judicatories, added to the returns of the several zillah Judges, would be sufficient, and instructions were accordingly circulated to the several Judges, in obedience to the orders of Government. The Judges are in consequence disabled from furnishing general information on this subject; but the Judge of the zillah of Bellary has continued to transmit his returns in the the original form, notwithstanding the instructions intended for his relief from that necessity, and the Court remark that the number of suits for sums under ten rupees, adjudicated by the district Moonsiffs in that zillah, continue to outnumber those for a larger amount disposed of by the same authorities.

46. This resort to the district Moonsiffs by persons who, according to the existing Regulations, might, by applying to the village Moonsiffs, have their suits adjudicated at their own doors, may possibly be ascribed to ignorance, although such a conclusion is manifestly opposed by the length of time during which the system has been in operation. If it do not arise from ignorance, it will be naturally supposed to be an indication of preference. Other causes may have contributed, indeed, to produce such result, some of which may be properly noticed in this place as having incidentally attracted the notice of the Court. In the year 1817 there would appear to have been no village Moonsiffs exercising the jurisdiction vested in them by the Regulations in the zillah of Bellary. The causes to which this may be owing do not appear on the records of the Court.

47. An irregularity in the report received from the Judge of the neighbouring zillah of Cuddapah, for the month of January 1817, attracted the notice of the Court. The report had attached to it, in the nature of an appendix, the returns of suits decided or otherwise disposed of by the village Moonsiffs for the months of November and December preceding, and the requisition of the Court for an explanation of the irregularity was answered by a complaint from the Judge, of considerable length, against the conduct of the persons composing

* Memorandum:

Ex Officiô Aumeens	42
Additional ditto	4
Total	46
Perhaps the respectable persons discharging the office of Moonsiff ought to be added to the number, whose courts are closed by the arrangements of the Commission: they were in number	250
making judicatories	296
which administered justice free from the charges of stamps, exhibit fees, and fees on summonses, for which the Commission have proposed to substitute district Moonsiffs	85
making a reduction of respectable judicatories against the country of	211

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ing the class of village Moonsiffs in the zillah under his charge. The number of these justices would appear to be unknown to the zillah Judge, and he in consequence assumes their number from certain assemblages of the population in agricultural pursuits, which he considers of sufficient importance to give exercise to the functions of a municipal Magistrate. The Court have not the means of ascertaining the accuracy or inaccuracy of the grounds on which Mr. Newnham proceeds; nor, perhaps, is it very material that they should determine this point, since it would appear to serve no other purpose than to form an estimate of the number of local judicatories which have omitted to furnish the returns required of them by the Regulations, and have thereby left their labours, in receiving and deciding civil suits, unknown and inappreciable. The statement framed by Mr. Newnham upon this supposition is subjoined.

Report, shewing the Numbers of Decisions by Talook Punchayets, Village Moonsiffs, Village Punchayets, the Village Reports received, the Village Reports, from the first beginning of Village Moonsiffs.

Months.	Village Moonsiffs.		Village Punchayets.		Total Number of Causes.	Number of Reports received.	Number of Reports due.	Number of Moonsiffs.
	Decrees.	Razeenamahs.	Decrees.	Razeenamahs.				
August	1	1	...	...	2	1	1,695	1,696
September ...	33	21	1	2	57	12	1,684	1,696
October......	107	40	5	4	156	27	1,669	1,696
November ...	95	51	20	3	169	43	1,653	1,696
December ...	96	38	12	7	153	103	1,593	1,696
January	65	20	5	...	90	107	1,589	1,696
February ...	55	28	2	...	85	100	1,596	1,696
March	47	19	...	...	66	59	1,637	1,696
April	7	...	...	...	7	76	1,620	1,696
Ditto	A Talook Punchayet.			1	1	...	...	...
	506	218	45	17	786	* 528	14,736	15,264
Since added, after Receipt of May Report:		Or, with the Becheragh Farms ...					16,140	16,668
April	2	...	1	...	3			
May	4	...	...	...	4			

48. From this statement it appears, that the number of societies supposed to be severally presided over by a local Magistrate in the zillah of Cuddapah is 1,696, which ought to have furnished, from the month of August 1816 to that of April following, 15,264 reports; that the number actually received was 528, and that of them 316 were blank.

49. Mr. Newnham proceeds to remark on the statement in the following words: "October is the month from which it would be just to date the full "operation of the new village courts. Only a few Reddies were instructed of "such duties being enjoined them, it is believed, in August, and the selection "of the village Justice from out of several contending farmers in one village "was probably not accomplished in all parts until the end of September. The "report now transmitted shews a falling off in the village decisions from the "month of November, but whether this arises from the inattention of the "farmers of revenue to all the labours of the judicial office which the law has "lately created, or to the single duty of transmitting their reports to the talook "justice, the zillah court is unable to resolve with any exactness; but it is "presumable that, unless the zillah Judges or the talook Moonsiffs be entrusted "with

* Of these were blank 316.

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" with powers to enforce more discipline, regularity, and attention, in those " numerous petty courts, in a short time no reports whatever will reach the " zillah courts, from the one thousand six hundred and ninety-six, or more " Superintendents of courts, not only charged with great self-responsibility " and care for revenue, under the Collector, where the penalties of default " are immediate and severe, but likewise directed to distribute justice under " the jurisdiction of the zillah court."

50. Referring again to the statement, it will be observed, with respect to the 1,696 supposed village courts, which at the rate of one each per month, might have produced a total number of causes disposed of amounting to 15,264 in nine months, that the actual number reported is only 786. Of this number 506 are decrees by village Moonsiffs, and 218 adjusted by the parties; 45 are decrees by village punchayets, and 17 adjusted by the parties. One case only of a district punchayet occurred in the month of April, being the last of the statement. By a subjoined note it appears that six decrees have been passed by village Moonsiffs in the months of April and May, and that one decree was passed in the former month by a village punchayet.

51. Mr. Newnham observes, that the twenty-eighth part of the reports has not been received, and that, even in this respect, the statement appears more favourable than the fact, owing, if the Court understand him right, to his having classed the work in the order in which it was performed, instead of according to the receipt of the reports. The want of control over these village judicatories on the part of the zillah court is considered by Mr. Newnham as a material defect in the system, which must render it inefficient. He describes the assessors averse to undertaking the part of the duty imposed on them, on account of its occasioning a contingent expense, for which no provision is made, and assigns this as a cause of their insubordination to their Sudra chiefs,* and of the non-transmission, also, of the prescribed reports, there having been some difference as to the person by whom the additional charge of framing and transmitting the reports is to be borne.

52. The zillah Judge describes the village Moonsiffs as not merely manifesting insubordination to the court, but as treating its orders with contempt, and holding opinions of its comparative powers and authority highly disparaging and inconsistent with the principles of regular government.

53. It will have been observed, that only one instance has occurred in nine months of a decree by a talook or district punchayet: at least, that only one of seven hundred and eighty-seven cases reported is a decision by a district punchayet. The Judge describes the endeavours he used to procure a more general resort to these tribunals, in which he was unsuccessful. It was, however, stated in the returns, that exertions had and would invariably be made, but that in no one instance had the persuasions used been successful. By these returns, and by other information, the principal cause assigned by the natives for their fixed aversion to resort to this manner of trial is represented as grounded on the difficulties attending appeals from wrongful decisions by it. The right of appeal from decisions in original suits is described to be sought after and adhered to by the natives as a benefit.

54. The Judge expatiates at considerable length on the demerits of the system introduced in 1816, arising from its complicated operation in cases where it may appear proper to supersede the award of arbitrators. No progress is made by such a proceeding towards the determination of the suit. The plaintiff, who, in such a case, has to complain of a nonsuit, and by application to the zillah Judge manifests most clearly the partiality of the award, and obtains its reversal, gains by his success, after the expenditure of time, labour, and money, a nonsuit, with liberty to commence proceedings *de novo* before another tribunal. This privilege was pointed out by the Sudder court, under date 14th December 1815, as likely to be thought by the natives to be a very costly privilege.

55. The Court do not deem it expedient to follow Mr. Newnham through the case of alleged abuse of authority on the part of a village Moonsiff, which he has

* The Curnums in the Ceded Districts are mostly Bramins.

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has noticed as having been laid before him, because it has not been brought to a termination, and cannot, therefore, be known in all its bearings; but it is due to Mr. Newnham to observe on this, as well as on a subsequent letter, bearing date the 8th September 1817, that his communications contain matter well worthy of consideration on forming a new code of law.

56. These two zillahs have claimed the first notice of the Court, as their civil administration, under the personal superintendence of the senior Commissioner, appeared to have formed the ground of the instructions under which the Commission have acted in the revision of the Judicial system. Complaints, however, of the irregularity of the village Moonsiffs are not confined to the zillahs of Cuddapah and Bellary. From the zillah of Canara, also formerly under the management of the senior Commissioner, the Court are informed, by a return made by the Register in charge, in the absence of the Judge, that "the village Moonsiffs are extremely illiterate, most of them being unable even to "write or read," and the Shambogues or Curnums are described as in some instances refusing to assist them in writing their reports, on the ground of their revenue duties employing their whole time. This statement was subsequently confirmed by the Judge.

57. The Judge of the zillah of Vizagapatam represents the village Moonsiffs of the Ryaveram division as entirely neglectful of the provisions requiring a regular transmission of the returns of cases heard and disposed of by them, and remarks on the Regulations being destitute of any penal enactment which might enable him to enforce the observance of them. Similar complaints have been received from the zillahs of Trichinopoly and Verdachellum.

58. The Judge of the zillah of Darapooram, in a letter dated the 18th December 1817, stated that, in consequense of erroneous decrees by village Moonsiffs having come to his notice, he doubted of the advantage of their decisions being unappealable, and recommended that all decrees by village Moonsiffs should be appealable to district Moonsiffs, whose decision should be final. Being required to explain the nature and extent of the irregularity in the proceedings of the village Moonsiffs which had come to his knowledge, the Judge represented that petitions had been presented to him by defendants in five suits decided by the village Moonsiffs of Coimbatore, the station of the Court, complaining of unjust decrees, and that, on a perusal of the proceedings, the decrees appeared to have been given on insufficient grounds. These were the only occasions in which the proceedings of a village Moonsiff came publicly to the notice of the Judge, who observed that his inability to interfere in those cases might be the cause of no other representation being made to him.

59. The foregoing paragraphs contain all the information which has been furnished to the Court, regarding the manner in which the village Judges discharge their judicial functions, and it will have been observed, that the total amount of their known labours bears a very small proportion, indeed, to the aggregate of work performed by the judicial establishments: a fact of great importance, in determining the expediency, or otherwise, of extending a system, the principal feature of which is the organization of these village tribunals. It is not pretended, however, that the whole of the judicial labour performed by those justiciaries is exhibited in the statements which have been compiled from the materials in the office of the Register to the Court of Sudder Adawlut. The returns are too defective to be relied on, and it has been discovered that the half-yearly statements furnished by the zillah Judges, in conformity to the orders of Government under date 3d December 1816, differ so materially from the monthly reports with which they ought to correspond, as to lead to the belief that the instructions issued to the Judges for the compilation of those statements have been misunderstood. The errors will be pointed out, and explanation called for; but it would be inconsistent with the desire expressed by the Government of Fort William to receive an early communication, that this report should be detained until after the receipt of more accurate information. Indeed, it must be expected that the observations which the Court may feel called on to make, for the guidance of the subordinate authorities, will operate rather in preventing the recurrence of error in future statements, than in procuring a reform of those which have been actually received.

60. Reverting

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60. Reverting to the village Moonsiffs, it is proper to pay some attention to an opinion which has been advanced, that it is not necessary to any public purpose that the Court should know the nature of the work done by these officers: that so long as the superior tribunals remained unincumbered with complaints against their proceedings, the legitimate conclusion must be, that they gave general satisfaction. It is unnecessary here to revert to the arguments stated in opposition to this opinion: it is sufficient to observe, that the legitimacy of the conclusion is distinctly negatived by the facts which have been detailed. As the Judges of the Sudder Adawlut have not correct returns of all the decisions passed by village Moonsiffs, that Court certainly cannot be said to know the extent of the good they may have done; but instances of their errors, for which there is no remedy, have been brought to their notice, and the mischievous consequences which may flow from such a source are strongly depicted in the correspondence of the Judge of Cuddapah.

61. The aid which the village tribunals would appear to have contributed, in expediting and improving the administration of civil justice, so far as the returns shew, has been comparatively inconsiderable; and, so far as mere numerical returns can be relied on, it would seem that a preference has been manifested by the natives towards the district Moonsiffs, officers selected by the zillah Judge, it is to be presumed, on account of their known qualifications to discharge the duties devolving upon them. The Judges beg leave to refer to the opinions which they expressed of the advantages of such a selection, in the paper submitted to Government under date the 14th December 1815, as they would appear to derive confirmation and support from the apparent confidence reposed in those Judges by the natives.

62. The appointment of district Moonsiffs, indeed, formed a branch of the original system of judicature established in the year 1802. It was enlarged and improved in subsequent years, and was brought into extensive operation, as has been already shewn, before the year 1816. The enlargement of the jurisdiction of the district Moonsiffs in suits for personal property, and its extension to the cognizance of disputes regarding real property of limited value, constitute the further improvements of that year. The number of these are greatly reduced, yet the suits decided by these judicatories have been very numerous, compared with those disposed of by the village Moonsiffs, whose numbers are unknown. If, then, the administration of justice has been expedited and improved by the aid of the district judicatories, it is the result of an extension of the original plan of judicature, not of the introduction of any new principles. The steps by which the establishment was conducted, from its institution to a stage of advancement admitting of the extensive employment of respectable native agency in the discharge of judicial duties, with facility and advantage to the public, have been pointed out.

63. The further improvement of the native branch of the judicial establishments has been long contemplated, and the measures which, under the sanction of Government, have been adopted at the College of Fort St. George, for exciting the natives to prosecute the study of the sciences, and to prefer claims to employment in the public service on the solid ground of real and substantial acquirements, have appeared calculated to accelerate the improvement, and to ensure its future progress and more extensive operation. The declaring a certain number of fixed offices, with salaries annexed to them, to be eventually within their attainment, may tend to promote the same end. Of the persons nominated to the offices recommended by the Commission, the Judges of the Sudder Adawlut possess no knowledge.

64. The object of the measures adopted on the recommendation of the Commission, was to reduce the expense of the judicial establishments, by constituting native tribunals, which should take cognizance of most of the suits arising in the country, and thereby relieve the European Courts from business, in a degree which might admit of a diminution of the number of the zillah Courts. This object, and its success in the instance of Guntoor, are announced to the native subjects of the British Government in the preamble to Regulation V. 1818, in which "the Regulations lately enacted are declared to have rendered a "separate Court of judicature at Guntoor no longer necessary." The first effect of the system, appears to have been, to suspend the resort of suitors to the European

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European tribunals, every avenue to which is guarded by heavy charges, and to divert them to the native courts, where a comparative relief from expense forms a kind of bonus to litigation; but there are not yet sufficient grounds for concluding that this effect will continue.

65. Referring to the appeals from the decision of the native tribunals, as exhibited in the statement still under consideration, it must be observed, that the column of native Commissioners includes appeals from the Sudder Aumeens, until the enlargement of their jurisdiction in the year 1816. The number of decisions by the zillah Judges on such cases progressively increased up to that year. In the following year, being the last of the statement, there appears a material diminution of the number in this column; but the decisions on appeals from the Sudder Aumeens, increased from thirty-nine in the year 1816, to four hundred and forty in the following year. The adjustments by the parties after appeal to the zillah Judges were seven in the year 1816, and thirty-nine in the year 1817.

66. No appeals appear to have been decided on by the zillah Judges from the district Moonsiffs in the year 1816. In the year 1817 they amounted to seventy-seven, and the number adjusted after appeal was twelve. The numbers decided from the general file of appeals in the zillah courts, including those from the zillah Registers, during the series of years embraced by the statement, are given below:

In the year 1813 the cases were	623
1814	853
1815	1,092
1816	1,154
1817	1,204

The increase of decisions on appeals would hence appear to be progressive. The principal increase in the last year is in the appeals from the decisions of Registers, the decrees on which, in the year 1816, were one hundred and eighty-six, and the adjustments thirty-eight, but, an examination of the detailed statement, presents no ground for particular remark. The future progress of the file of appeals will indicate the degree of relief which may have been substantially afforded to the zillah courts.

67. It will be collected from the foregoing details, that although there is no precise information before the Court regarding the portion of the time of the zillah Judges which may be still occupied in duties connected with the criminal department, the essential relief afforded to them, in this respect, is considered to be limited to the exemption from the task of perusing the correspondence of the police officers regarding their ordinary duties, and that the records by no means evince that the investigations, which the criminal Judges are required to make in cases of importance, have been at all facilitated by the arrangement for transferring the more limited duties of the magistracy to the Collectors of the Land Revenue. The observations, indeed, made by Mr. Skinner, the second Judge late on circuit in the centre division, lead to a very different conclusion. His words are as follow: "In all cases of "heinous nature, described in Section 27, Regulation XI. A. D. 1816, the "Tehsildars are directed to the criminal Judge, and the latter is precluded, "by Section 55, from issuing any order to the police officers. Supposing, "therefore, the proceedings he received to be defective, which is found to "be but too frequently the case, he has no means of getting the defect supplied, except by the circuitous and tedious process of a correspondence to "be carried on through the Magistrate, who may be too far distant, or not "at leisure to give the immediate attention to the requisition the case may "require; and, as the proceedings have not been before him in the first in"stance, the criminal Judge must in his letter enter into a full detail of the "case, to enable the Magistrate to judge of the nature of the evidence re"quired, as also of the measures to be pursued in order to obtain it." These remarks arise out of the observations actually made by the second Judge in the cases of his late circuit; and it may be deserving of serious consideration, whether, under the view here given of this part of the operation of the system, the relief afforded to the criminal Judge, by his exemption from the charge of police, may not be more than counterbalanced by the difficulties which

which he may experience, and the time he must employ in obtaining, in many cases, the information necessary to enable him to bring the matter to an issue.

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68. But whatever time may have been saved to the zillah Judges, by withdrawing from them the superintendence of the details of the police, the application of it would not appear to have been given to the adjudication of civil suits, the numbers decided by the Judges, Assistant Judges, and Registers, having fallen off in the fourth and fifth year of the statement. The Court are, however, of opinion, that a longer experience is necessary to determine whether the causes that may have produced the diminution of business before the European tribunals be permanent or temporary. The rapid increase of decisions on appeals from the decrees of the Sudder Aumeens in the second year of the system, as well as the number furnished by the district Moonsiffs in the same year, are indications of an operation, the extent of which cannot yet be estimated.

69. It was not to be expected that any thing material should appear against the administration of the village Moonsiffs during the first year of their transaction of business, which may be taken to be the year 1817; for, as explained by the Judge of the zillah of Cuddapah, it was as late as the month of August 1816, before they could be apprized that the adjudication of civil suits was connected with the other duties of their office. The barriers by which they are fenced round against accusation must prevent the zillah Judges from receiving charges against them of malversation in office, unless coming under the precise definition of wilful corruption, and few will be found to prefer the charge under the conditions prescribed in the Regulations. In fact, to convict a village Judge of corruption, may be pronounced to be next to impossible, for he is under no obligation to confine himself to any fixed emoluments, and there is no regulation to prevent him accepting presents from his friends. He must be but a few degrees removed from an idiot, to avow a corrupt motive in accepting what may be tendered to him, and the only ground on which corruption can be fixed upon him is *proof to the satisfaction of the Judge*. This provision is much too vague and indefinite for any man of common reflection to trust to, when he finds, hanging over the probable failure of his accusation, a sentence to pay full costs and such damages to the village Moonsiff as may appear equitable to the Judge, together with a fine equal to the amount of the corruption charged by him, while, in all probability, the bribe will have been paid by himself.

70. This explanation may account for the inability of the Court to furnish any information, as to the heads of the villages deriving indirect emoluments or advantages from undertaking the duties of the double office of civil Judges and police officers of the villages; but, with regard to any ground which there may be for supposing that they do derive indirect emoluments or advantages, the Court must refer for their opinion to the experience of the world, as to the common effect which impunity in malversation has on the mind of uneducated men. In their proceedings, under date the 14th December 1815, the Court observed, "there is nothing to prevent a Collector from forming every succeeding lease with a different person; and if the judicial office go with the "farm, the Court see no reason to doubt that it will be regarded as a part of "the farm, and that the most will be made of it."

71. In concluding their remarks on the probable operation of the village courts, with reference particularly to the questions on this head put by the Supreme Government, and which the scanty means of information possessed by the Sudder Adawlut do not enable them more satisfactorily to reply to, the Judges of the Sudder Adawlut cannot avoid submitting the following remarks, to which the circumstances in the former parts of this report have given origin.

72. It has been deemed necessary by the framers of the new Regulations to define the duties, to specify the powers, and to prescribe the course of proceeding to be adopted by village Moonsiffs, in the discharge of every part of their judicial functions. The system so laid down for their guidance assimilates in

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in its general scheme, and in very many of its particulars, to that enacted for the trials of civil suits before the European tribunals.

73. The limitation of time, beyond which a suit shall not be instituted, excepting under certain stated circumstances; the exclusion of suits of particular descriptions from the cognizance of Moonsiffs, although the amount sought to be recovered would bring them within their jurisdiction; the specification of the persons who alone may be allowed to represent parties in the village courts, and the description of the instruments which shall convey such authority to represent them; the rules prescribing the nature and contents of the written pleadings of the parties on which the Moonsiff shall proceed; the measures of precaution to be taken by the Moonsiff, to ascertain that due notice of a suit has been given to a defendant before he shall proceed to try a cause ex-parte; the furnishing of copies of the plaint to the defendant and of the decree, with certain formalities, to each of the parties; the mode of obtaining the evidence of persons whose rank is to be considered by the Moonsiffs as relieving them from the necessity of personal attendance before him; the limited authority to fine for contempt; the solemn injunction to the Moonsiff to give judgment according to justice and right (a most important direction to a Judge, from whose tribunal there is no appeal); the specification of what the decree shall contain, and in what form it shall be prepared; the limitation of interest which a Moonsiff may decree, the rate of which, however, is not stated, but only referred to, as being prescribed in a Regulation which forms part of the judicial code; the peculiar and complicated process under which only the Moonsiff's decrees are to be executed; the rules for a register of all sales in satisfaction of such decrees to be kept by the village Curnums, and for a return to be made periodically of all fines levied by the Moonsiffs, with the names and conditions of the parties, and the reasons for which the fines were imposed; the rules for the non-admission of exhibits in evidence, if not legally stampt; these, and several other provisions explicitly laid down in the village Moonsiff Regulation, must be considered as essential to the due performance of these functions, and to the security of the persons amenable to their jurisdiction. Had they not been so considered, they would not have been prescribed by legislative enactment to a tribunal avowedly of the most simple construction. The greater part of these rules, however, must be novel to the head of a village, who though supposed to have administered justice in former times to the members of the village community, may be presumed to have been unshackled by many of the before-recited ordinances, while his acts were not excluded from revision, as they now are, by Section 4, Regulation IV. of 1816. It has been seen, that village Moonsiffs cannot always read, and that the Curnums who can will not always attend. The provisions of the law, it is natural to remark, may therefore be frequently neglected or infringed from ignorance; but whether infringed from ignorance, or from a corrupt motive, the breach of them is committed with impunity, for the law has provided no punishment for the non-observance of its commands. Of the probability of the neglect and breach of the rules necessary for the protection of the community, an estimate may be formed from the ascertained fact, that the only ordinance of which the observance or neglect can be known to the European authorities in ordinary course, that which prescribed that periodical returns shall be made of the suits instituted and disposed of by adjudication, or otherwise, before the village Moonsiffs, is most grossly neglected. The statement furnished by Mr. Newnham, and inserted in a former part of this report, shews that the experiment of disobedience was at first tried with caution, and that success and impunity confirmed its practice. If the head of the village be ignorant, it is not likely that the Members of the community will be more learned, or that they will rightly apprehend the limits of their chief's power, to whom they know the authority to fine and imprison has been granted with other powers, and many and long directions, by enactment or regulation of the Government.

74. The Court of Sudder Adawlut cannot conceal from themselves, that they are not justified in withholding from the Government these considerations, of which the necessary result appears to be, that the most flagrant abuse of authority may, and probably does exist, without the power of remedy by the European authorities,

authorities, because the evil could scarcely by any possibility come before them. The necessity before stated, under which some judicial officers have been compelled to refuse a hearing to complaints which the Regulations excluded from their cognizance, must lead to the abandonment of attempts to seek redress.

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I have, &c.

R. CLARKE,
Acting Register.

Sudder Adawlut, Register's Office,
21st September, 1818.

REPORT *of the late* JUDICIAL COMMISSIONERS, *Dated the 15th October* 1818.

To the Chief Secretary to the Government, Fort St. George.

SIR:

Report of late Judicial Commissioners, 15 Oct. 1818.

By Mr. Secretary Hill's letter of the 19th August 1817, the late Commission of Internal Administration was directed to submit a final report, "distinctly referring to all their past proceedings, and explaining to what extent the Regulations were then in practical operation; what particular or local measures may, in certain cases, remain to be adopted, for the purpose of giving them practical operation; and what prospective course of proceeding ought, in their judgment, to be pursued with regard to them."

2. A detailed report was, in consequence, drawn up by the Second Commissioner, in communication with the First, referring to our past proceedings, and shewing to what extent the new system was in actual operation, and was transmitted to Government on the 21st March last. The First Commissioner, who was then absent on service, having lately returned to the presidency, we have taken Mr. Secretary Hill's letter into consideration, with the view of offering such observations regarding the different points alluded to in it, as seem to be still necessary, in addition to what has been said in the Second Commissioner's report.

3. The proceedings of the Commission, since its first establishment, were founded on the orders of Government of the 1st March 1815 and 25th May 1816, issued in consequence of the instructions of the Honourable the Court of Directors of the 29th April 1814 and 20th December 1815. The Regulations which the Commission was by those orders required to frame, for the modification of the existing system of civil and criminal judicature, were, after various delays, arising from causes already stated in former reports, passed by the Governor in Council, between the 17th May and 30th September 1816.*

4. The views of the Honourable Court, in ordering the modification of the existing system, were generally to facilitate the administration of justice, by relieving the European Judges from too great a pressure of business, by transferring a part of it to the heads of villages and the native authorities, and the office of Magistrate to the Collectors, and likewise to exempt the inhabitants, as far as possible, from the expense and inconvenience of resorting to distant tribunals, by giving them others nearer home, more suited to their own customs and ideas.

5. These views of the Honourable Court, as far as their orders extended, were carried into effect by the enactment of the village Moonsiff and village Punchayet Regulation, by which petty suits and suits for personal property, without limitation as to amount, may be decided in the village in which they arise, by the Potail or the punchayet; by the enactment of the District Moonsiff and District Punchayet Regulations, which give to the Moonsiff the cognizance of suits to the amount of two hundred rupees, and by the Punchayets, suits

* Vide Regulations IV, V, VI, VII, VIII, IX, X, XI, and XII, of 1816.

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suits for real and personal property to an unlimited amount; by the Sudder Aumeen Regulation, which gave to the law officers of the court referee jurisdiction in original and appeal suits to the amount of three hundred rupees: by the Boundary Disputes, &c. Regulation, which placed the cognizance of such disputes under the Collector and Magistrate; by the Magistrate Regulation, which transferred the duty of that office from the zillah Judge to the Collector; by the criminal Judge Regulation, which continued to the zillah Judge the duty of committing offenders for trial by the court of circuit; and by the Police Regulation, which vested the management of the police of the country in the Collector and Magistrate, his Tehsildars and other native agents, and the heads of villages, aided by the village servants.

6. Although these Regulations were all passed before the end of September 1816, little is yet known of their effect, and some years must elapse before any correct judgment can be formed on the subject. Their practical operation, as far as it could be ascertained from official returns, to the 1st January 1818, was shewn by the Second Commissioner, in the statements which accompanied his letter to the Chief Secretary of the 21st March, and his letter of the 13th April last, transmitting his answers to the queries received in the Secretary to the Supreme Government's letter of the 18th November last. By the Statement No. 6 it appears, that the number of suits settled by the zillah and native courts has greatly increased under the new system, as may be seen in the following Abstract:

Years.	By the Judge, Assistant Judges, and Registers.	By the Native Judicatories.	Total.
1813......	4,663	24,888	29,551
1814......	5,317	26,717	32,034
1815......	7,928	30,687	38,615
1816......	7,195	39,714	46,909
1817......	4,749	66,302	71,051

In the year 1816 both the new and the old systems were in operation, but from 1813 to 1815 inclusive the old system only, which, as it had then lasted longer, may be supposed to have been more efficient than at any former period. Yet, notwithstanding this, in 1817, the first year of the operation of the new system, the total number of causes settled is nearly double that of any year of the old one.

8. It also appears, from the following abstract of the Statement No. 5, that the number of causes depending before the zillah Judges and Registers has been reduced to 3,565, or little more than one-half of its former amount.

Depending before the zillah Judges, Assistant Judges, and Registers,

1st January 1814...Number of causes...6,247
1815..............................6,648
1816..............................6,476
1817..............................4,603
1818..............................3,565

9. These two statements likewise shew, that though the number of causes decided by the native courts is more than double, the appeals are fewer than in former years. The number decided by the village Moonsiffs, up to the 31st December 1817, was 10,744, and by the district and village punchayets, 457. The business done by the village Moonsiffs or Potails, though it is much less than it would have been had they acted according to their ancient usage, unfettered by any Regulation, is yet, when all circumstances are considered, fully as much as could have been expected. Several causes have combined to retard the progress of the system under the village Moonsiffs: the forms and length of the Regulation, the pains, penalties, and prosecutions which it denounces, their fears of the European Courts, and their consequent reluctance to engage in any thing which may be likely, in the most remote degree, to bring them

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them before these tribunals. The Regulation, it is true, is not a long one, and does not authorize any penalties, to which the Potails were not, in similar cases, always subject, under the native Government; but to men like them, unaccustomed to written rules, every Regulation appears long and intricate, and the same penalties to which they know they were liable at all times for misconduct, seem t. them much more formidable when presented to their view in the shape of a written law.

10. The Collector of Bellary mentions the activity of the district Moonsiffs in drawing suits to their own courts, as one of the chief causes of their not coming into the village courts. There can be no doubt but that this is the case, and that it will be so until the Potails in general acquire more confidence, when the effect will become gradually less. The progress of the village Moonsiff Regulation will be slow in many districts, but we are satisfied that it will gradually increase. Whenever one or two head Potails begin, others will do the same: they will not act all at once, merely upon the sanction of the Regulation, but will be guided by their old habits of following the example of their superiors. We have reason to believe, that they now settle many petty suits without the necessity of bringing them to a formal trial, as the restoration of their former authority enables them to induce the inhabitants to adjust amicably many trifling matters which would otherwise be carried before the courts.

11. The same causes nearly which have impeded the progress of the village Moonsiffs have affected that of the district and village punchayets. The total number of suits settled by them to the 31st December 1817, as already observed, amounts to 457. It is rather surprising, that there should have been so many after the long disuse of the punchayet, the belief of the natives that it had been suppressed by law under the old Regulations, and the opinion expressed by several European authorities, that the natives would not resort to it on any account. It is also to be remembered, that the having recourse to the punchayet is voluntary with both parties, and that the district Moonsiff has not the same motive as the Tehsildar, by whose orders it was formerly assembled, to encourage its employment, but, on the contrary, that it is his interest to discourage it, in order that the greater number of suits may be decided immediately by himself.

12. District Moonsiffs are, in general, well qualified to discharge their duties. Many of them have served in the Judicial and Revenue departments before their appointment, and are men of business. Their knowledge, their skill, and activity, animated by self-interest, enable them to decide a great number of suits within a very short period. As their several courts are not at any great distance from any of the villages under their jurisdiction, and as the inhabitants know that their suits will be settled in them with as much expedition as possible, they resort to them in crowds. The great mass of the litigation of the country cannot be in better hands. The petty suits originating in agricultural concerns, and other local matters among Ryots, might be more conveniently settled in the village, but almost all other suits may with advantage be carried before the district Moonsiffs. Their decisions are not only quick but are likewise, probably, for the most part just, as may be inferred from the small number of appeals against them. As long as they continue to discharge their duty faithfully, the greater part of the business of the civil justice of the country will continue in their courts. There is little danger of any material falling off among them, as long as the present system continues. The existence of the other tribunals will be a great check upon them, for whenever they become notoriously negligent or corrupt, the inhabitants will, according to the nature of their suits, resort to the village Moonsiffs and punchayets or to the zillah court. The district Moonsiffs will, therefore, be restrained from neglecting their duty, not only by the fear of losing a great portion of their fees, but of being suspended from office by the zillah court. The court, though it now decides fewer small causes than formerly, makes ample amends for the deficiency, by the beneficial influence which it has in obliging the district Moonsiffs, by whom they can be settled with much more convenience to the parties, to discharge their duty properly.

13. The effect of the new system on the administration of civil justice, as far as it can yet be ascertained, has been to diminish nearly one half the number

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ber of suits depending before the zillah Judges, to double the number decided by the native courts, to enable a part of this number to be settled in the very villages in which suits arose, and to save to the inhabitants both time and money, by their suits being decided both more expeditiously and nearer home, and by a portion of them being exempted from all fees and charges whatever.

14. With regard to the modifications required to be made by the Resolutions of Government in the administration of criminal justice, it has been already remarked that they have been carried into execution by the passing of the Magistrate, Criminal Judge, and Police Regulations.* The effect of these Regulations, as far as it was known from official documents, to the 1st January last, has been detailed by the Second Commissioner † in his answers to the queries of the Supreme Government, and it seems scarcely necessary to add any thing more on the subject. The statements then forwarded shew that the number of crimes of a heinous nature, ascertained to have been committed in 1817, was greater than in some, and less than in others of preceding years, from 1813 to 1816, both inclusive; that the number of persons apprehended for such crimes was greater in 1817 than in any one of the preceding years, and likewise greater in proportion to the crimes committed; and that the number of criminal cases, and of prisoners committed for trial before the Judges of circuit, was less than in any of the former years, and that the number of criminal cases depending before the Magistrates and criminal Judges was much less in 1817 than in the preceding years. The statements above alluded to are here enclosed to save the trouble of reference.‡

15. No correct inference can be drawn as to the effect of the system, either in the prevention or punishment of crimes, from such limited data as a comparison of its operation, for one year, with that of three or four years of the old system. As the number of persons apprehended is greater in 1817 than in the preceding years, being 4,368 in 1817, and 4,190 in 1814, the highest of those years, it may be said that the police has become more efficient; but as the computed number of persons concerned in crimes is 8,692 in 1817, and only 7,124 in 1814, an opposite conclusion may be formed. The same opposite inferences may be drawn from the comparison of the number of prisoners committed in 1814 and 1817, which in 1814 is 2,148, and in 1817 only 1,038. It may be said, either that the police has been more remiss in apprehending criminals engaged in the larger class of crimes, or that a smaller number of persons have been concerned in this class than formerly, there is, however, one very important point in which no difference of opinion can arise, namely, the great diminution of criminal cases depending before the Magistrates and criminal Judges, for the number of such cases was six hundred and six in 1814, and only eighty-nine in 1817.

16. The proportion of the number of persons computed to be engaged in crimes to that of persons apprehended, will probably always be higher under the new than the old system; because it is from the village servant that all superior police officers must derive their information; because these servants acted reluctantly under the double authority of the zillah Judge and Magistrate, and the Collector disliked the Tannahdars, and we believe reported nothing that they could with safety withhold; and because, being now, according to ancient usage, under the undivided control of the Collector and Magistrate, they bring forward without hesitation whatever they know, and because the present Magistrate has much more ample means, through his numerous revenue and police servants, of discovering any neglect on their part than the late one ever possessed. But as it is evident that it is much easier to discover offence than to apprehend the offenders, the disproportion between the number of crimes committed and of criminals apprehended, must generally be greatest where the proportion of crimes reported approaches nearest to that of the whole number of crimes actually perpetrated.

17. But though we are of opinion that the Magistrate has now much better means than formerly of discovering offences, we are far from thinking that many do not still escape his notice; some from the connivance, and others from the negligence

* Regulations IX. X. and XI. of 1816. † Letter to Government, 18th April 1818.
‡ Statements A, B, C, not printed.

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negligence of the police officers? No system can ever prevent the occasional occurrence of abuse of authority and neglect of duty, among so numerous a body as the Police officers of an extensive country; but we believe that the present one is better calculated to check this evil than the old. In Coimbatore, where the old system was superintended by a most intelligent Magistrate, and when its supposed efficiency induced its recommendation, as an example for other zillahs, it was found by the Commission appointed to investigate the affairs of that district in 1815, to have been attended with great abuses, and that the Tannahdars had, without the knowledge of the Magistrate, summoned persons before them who had lost their husbands or children by accidental death, and extorted money from them by threatening to charge them with murder. The records of the Foujdarry Adawlut, no doubt, contain many instances of the misconduct of the former Police officers. We are not so sanguine as to suppose that abuses will not take place among the native officers of civil as well as of criminal judicature, but we are confident that they can never, under the present, reach to such a height as under the old system, when in Canara a body of native Commissioners, amounting to fifty, were at once suspended and dismissed.

18. The operation of the present system has been too short to furnish any sure grounds for estimating its effects. No transfer of the police from one authority to another, nor even any improvement in its efficiency, can suddenly diminish the number of crimes, though it may facilitate the apprehension of the criminals. Crimes depend on the state of society, of the country, of peace or war, of plenty or scarcity, and other causes, and can only be reduced in any material degree by the continued action of an improved system for a course of years. Statements should be cautiously adopted as criterions of the effect of the Regulations: they vary in different years, and it is only the result of a long series of years that can be trusted to with safety.

19. There are, however, some points, in which it may be confidently asserted that the change of system has already been attended with many advantages. It has, by freeing the criminal Judges from the superintendence of the police, permitted them to devote more time to the investigation of crimes of a higher nature, and to get through their business more readily, as is obvious from the small number of cases depending before them on the 1st January last, compared with that of former years. It enables the greater part of petty offences to be settled on the spot by the heads of villages and Tehsildars, so that they do not go even to the Magistrate, whereas they were formerly carried to the distant tribunal of the zillah Judge, to the greater vexation of the inhabitants, as in some zillahs the number of the litigants and their witnesses frequently amounted, in the course of the year, to several thousands, and it has relieved the inhabitants in general, but more particularly the heads of villages and the village servants, from the odious authority of the Tannahdars and Darogahs, and their interference in their domestic disputes. The late system of police, which enabled the Tannahdars to exercise control over the village servants and potails, in fact placed the dregs of the people over the most respectable class of them, and gave rise to many abuses and to very general discontent. The relief of so numerous and useful a body of men as the heads of villages and village servants from such a state of dependence on their inferiors, is of itself a very important benefit to the country derived from the change.

20. The saving of expence produced by the new Regulations in the departments to which they extend cannot be easily ascertained. In the answers of the Second Commissioner to the queries of the Supreme Government, it is recommended * that the Accountant General should be directed to prepare a comparative statement of the charges for the last five years in the Revenue, Judicial, and Police establishments, pointing out such as are occasioned by circumstances of a temporary or extraordinary nature, and consequently do not properly come under those permanent heads of disbursement which can alone furnish a fair comparison. It is also observed, in the same document, that the principal expence attending the new system is the establishment of district Moonsiffs, and

* Paragraph 5.

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and the chief reductions, either proposed or actually made, are the abolition of the court of Cochin and four Assistant Judgeships, and the Darogahs and Tannahdars and other police servants.

The increase and decrease under these several heads is as follows:

Actual decrease by the reduction of police Darogahs, Tannahdars, &c.	33,816	
Proposed decrease by the abolition of the Cochin Court, and four Assistant Judgeships	30,409	
Proposed decrease in the zillah Adawlut establishments	12,000	
Total actual and proposed decrease		76,225
Increase by the establishment of district Moonsiffs		22,968
Total actual and proposed decrease		53,257
We may add, also, the saving from the court at Guntoor having been abolished in consequence of the new Regulations, as stated in the preamble to Regulation V. 1818, which may be estimated at least at		15,000
Star Pagodas		68,257

21. No very great diminution of expense can be expected while the present number of zillah courts remains. The pay of the native servants is so low, that the dismissal of a few would hardly make any perceptible difference in the general expense; the dismissal of any great number would injure the efficiency of the different departments from which they were, and would still produce no material saving. The European is the expensive part of the judicial establishment, and is the only one by whose modification the amount of the charges can be considerably diminished. However much the business before the zillah courts may be diminished, a certain proportion of those courts will always be indispensably necessary, though unquestionably not the same number as at present. If not a single original suit were to come before them, they would still be of the most essential use to the country, as courts of appeal and criminal courts, and still more perhaps by the salutary check which they would maintain over the district and village Moonsiffs, by which they would compel them to perform properly those subordinate judicial duties which can by no other agents be so conveniently discharged.

Sic orig.

22. On the subject of expense it may be remarked, that one main cause of the difficulty in forming a correct estimate of it originates in the frequent reductions and augmentations which have been found unavoidable in the Collector's establishments, totally unconnected with the modifications of the Judicial system. In some districts savings have been effected, by reducing some useless offices which existed under former Governments, and in others it has been deemed advisable to restore offices or to increase allowances, which had in the lapse of time been too much reduced. The Collector of Chittoor, in his letter of the 26th of February 1815 to the Board of Revenue, before the orders of Government for the modification of the system were issued to the late Commission, very properly recommended an increase of allowances to a considerable number of his Curnums and Talliars. It becomes necessary, therefore, in a comparison of expense, to distinguish carefully between the increased diminution resulting solely from the modification of the system, and from other causes.

23. There is one saving which no statement can shew, but which is of great benefit to the country, namely, that which accrues to the inhabitants from having their suits settled nearer home, at a smaller charge, and in much less time than formerly

24. Having stated what we consider to have been the effect of the new Regulations, during the short period of their operation, we shall now submit our opinion regarding such alterations or additions as seem to us calculated to render them more efficient. We have, on a former occasion, observed, that we deemed the village Moonsiff Regulation to be sufficiently comprehensive in its definition

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definition of the head of the village, to be applicable to villages of every description, but that if doubts were entertained on the subject, a supplementary Regulation might be framed. All that is necessary in such a Regulation is merely to authorize the Collector, in cases where he thinks that none of the persons described as heads of the village are to be found, to appoint such other persons to the office as he may deem most suitable, according to the principle of the Regulations.

25. We still continue to think that the measure formerly recommended by us, of extending the cognizance of the district Moonsiff's jurisdiction from two hundred to suits of three hundred rupees, should be adopted, and also that fees should be abolished on all suits not exceeding ten rupees, which come before them, as the few appeals from them shew that their decisions are in general satisfactory. The extension of their jurisdiction will be convenient to the inhabitants, and the abolition of the fees on suits not exceeding ten rupees will take away the motive of drawing such suits into their own courts, for which purpose they are said by the Collector of Bellary to use every exertion.

26. The above are the only alterations that seem to us advisable in the rules for the administration of civil justice. In the criminal Regulation very little seems to us to be wanting. The Magistrate of Chittore proposed an extension of the powers of the Magistrate and his servants, and the addition of the criminal Judge. We do not think that any additional authority should be given to the Magistrate, until longer experience shall have shewn whether it be indispensably necessary. We would, however, recommend that, in all cases of petty offences and of petty thefts (not exceeding in value half or one rupee), he should be authorized to dispense with record, and that in every case whatever of petty offence or petty theft, he should be at liberty to dispense with oaths, wherever he might deem it necessary. This would save much useless writing, and facilitate the dispatch of the more important part of his duty, and it would also render oaths more sacred, which from their being resorted to in trivial matters, so much beyond the ancient usage of the natives, has had the baneful effect of destroying almost all their weight. Many of the petty thefts are committed by persons who are not professional thieves: they perhaps steal a handful of betel or some other trifling article, which is easily done in the markets of this country, often held in the open fields. To make such things matter of record before an European magistrate, is an unprofitable waste of the very limited means we must ever possess of employing European agency in India.

27. In every department, whatever can be best done by native servants should be entrusted to them. The business of the European officer should principally be to control and direct properly the labours of the natives under him. In order to enable him to employ his time in the way most useful to the public service, he should be exempted from the necessity of devoting any part of it to the observance of useless forms, or to the furnishing of useless records. These remarks are as applicable to the Collector as to the Magistrate, and we have no hesitation in saying that the Collector ought not to be required to furnish a document so utterly useless as a diary, which must every day occupy a considerable portion of time, which no person who understands revenue affairs would ever consult for information, and which we believe has never led to the detection of abuses, even in those districts where they have been greatest.

28. It was the intention of the late Commission that the Magistrates should have authority to refer causes of petty thefts and petty offences, brought before them in the first instance, to their Tehsildars or other subordinate officers, for investigation on the spot, and that their Assistants should, in every part of their respective zillahs, exercise such portion of the magisterial functions as might be delegated to them, as well when absent from, as when present with Magistrates. If it is thought that the authority intended to have been given by the existing Regulations, the omission ought to be supplied by a supplementary Regulation. *Sic. orig.*

29. Though the native Servants' Regulations* do not come immediately within the province of the Commission, yet as they encumber the dispatch of public business in almost every department, we take the liberty of recommending

* Regulation I. 1809, and Regulation V. 1811.

Report of late Judicial Commissioners, 15 Oct. 1818.

mending that they be rescinded. The cause and the manner of the dismissal of servants can never, without great injury to the public service, be made the subject of legislation; all that is necessary to be done, in order to check the abuse of authority in the wanton dismissal of servants, may be effected by orders from the heads of the different departments, and those orders should not descend to servants having less than fifty rupees monthly pay.

30. One great defect in the existing Regulations, formerly noticed by us, still remains to be remedied: we allude to the power vested in the Sudder and Foujdarry Adawlut, of deciding, without appeal, on all doubts which may arise respecting the meaning of the Regulations. As there is no regular channel of representation to Government against their opinions, there can be no means of correcting them when erroneous. Such a power, whether vested in two men as at present, or in a greater number, seems to be inconsistent with the spirit of legislation. In this country the Governor in Council is both the legislative and the executive Government, and the proceedings of every subordinate department should reach him and be subject to his control. This was the case when the original code of Regulations was framed. The court of Sudder Adawlut was then composed of the Governor and Council, and the power of final decision was therefore then lodged in its proper place. We would recommend, that this power should be again placed where it was at first, and that, for this purpose, a Regulation should be passed, restraining the Sudder Adawlut from issuing any order on the interpretation of any doubtful meaning in any part of the code, until it should previously have received the sanction of Government, and authorizing the Boards of Revenue and Trade to appeal to Government in all cases where they think that an interpretation has been given injurious to the interests of their respective departments.

31. It will observed from what has been said, that the few slight modifications of the Regulations of 1816, which we propose, do not in any way affect their principle, but are calculated solely to render their operation more extensive. We do not think that it would be safe to make any material changes, founded upon opinions formed without sufficient experience of their effects, and differing from each other. The system has been little more than twelve months in operation, and all that is yet known is that more business has been done and less remains on hand than under the old one. It can never acquire solidity or operate with due effect, while it is continually shaken by the agitation of changes. It ought not to be unhinged by any premature alteration, but to be pursued steadily for a period of six or seven years, as the only means of shewing fairly how far it is calculated to answer the ends for which it was established.

We have the honour to be, Sir,

Your most obedient servants,

(Signed) THO^s. MUNRO,
late Commissioner.

GEO. STRATTON,
late Commissioner.

Madras, 15th Oct. 1818.

General Abstract Statement of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal during the Year 1814, formed from the Monthly Abstract Registers furnished by them, conformably to Section 18, Regulation XIII, A. D. 1802; shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes, to 31st December 1814.

Courts.	Appeals		Causes, tried in the first instance,		Total.	Amount decreed in original Causes.
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.		Pagodas. F. C.
Centre Division	73	3	4	2	82	27,687 38 34
Northern Division ...	27	7	5	5	44	1,10,280 33 67
Southern Division....	18	2	15	...	35	6,046 22 2
Western Division	21	1	13	...	35	13,313 39 33
Total...	139	13	37	7	196	1,57,328 43 56

or £ Sterling 62,931 11 9

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
28th February 1815.

General Report on the Reports furnished by the Provincial Courts of Appeal, conformably to Section 14, Regulation XIII, A. D. 1802, of Causes and Appeals remaining undecided in their Courts on the 1st January 1815, shewing the Estimated Amount of Property in Litigation in those Courts.

Courts.	Appeals.	Causes under trial in the first instance.	Total.	Estimated amount of Property in litigation in original Causes on the 1st January 1815.
				Star Pags. F. C.
Centre Division	81	19	100	1,76,053 39 47
Preceding half-yearly Report	... 95	... 17	... 112	
Northern Division	217	46	263	4,82,041 27 49
Preceding half-yearly Report	... 233	... 47	... 280	
Southern Division	112	11	123	73,535 25 4
Preceding half-yearly Report	... 109	... 15	... 124	
Western Division	61	9	70	77,288 3 6
Preceding half-yearly Report	... 59	... 13	... 72	
Total 1st January 1815	471	85	556	8,08,919 5 26
Totals of the preceding half-yearly	... 496	... 92	588	

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
28th February 1815.

General Abstract Statement of Causes decided in the Zillah Courts, during the
Judges, pursuant to Section 10, Regulation XIII. A. D. 1802; shewing, also,
tween the 1st of January and 31st of December 1814.

Zillahs.	By the Judge, in Appeal from Decision of				By the Assistant Judge, in Appeal from Decision of				
	The Register.		The Native Commissioners.		The Register.		The Native Commissioners.		
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	
Bellaree..................	16	2	111	10	...	...	...	...	...
Canara....................	...	...	2	...	...	...	...	...	...
Chingleput	14	...	17	...	...	...	...	...	...
Chittoor.................	22	1	64	1	...	...	...	...	...
Cochin....................	...	...	...	...	...	...	...	...	...
Combaconum.........	10	1	39	5	4	...	16	...	...
Cuddupah..............	6	1	39	24	...	...	...	...	...
Darapooram...........	...	...	1	...	...	...	...	...	...
Ganjam..................	8	3	15	3	...	...	...	...	...
Guntoor..................	...	2	3	3	...	...	...	...	...
Madura..................	1	...	2	2	...	...	...	...	...
Malabar North.......	...	1	3	1	...	...	...	...	...
Malabar South........	27	...	36	4	...	...	...	...	...
Masulipatam..........	43	...	108	4	...	...	...	...	...
Nellore..................	...	...	...	...	...	...	...	...	...
Rajahmundry.........	6	1	7	2	...	...	...	...	...
Salem....................	3	...	9	4	1	3	47	17	...
Seringapatam.........	...	...	...	...	...	...	...	...	...
Tinnevelly.............	10	...	9	1	...	...	...	...	...
Trichinopoly..........	11	4	18	4	...	...	...	...	...
Verdachellum.........	7	...	31	13	...	...	...	...	...
Vizagapatam..........	3	...	42	13	...	...	...	...	...
Total..........	187	16	556	94	5	3	63	17	

Sudder Adawlut, Register's Office,
28th February 1815.

year 1814, formed from the Monthly Abstract Registers furnished by the the Amount Value of Property held under Decrees passed in those Courts, be-

	Tried in the first instance by						Total before the Judge, Assistant Judge, and Register.	Tried in the first instance by the Commissioners.		Total.	Amount of Property Decreed.		
	The Judge.		The Assistant Judge.		The Register.								
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.		Decreed or Dismissed.	Adjusted by Razeenamahs.		Star Pags.	F.	C.
...	38	5	...	...	115	15	312	4,673	1,209	6,194	1[illegible],481	39	...
...	187	28	...	...	38	4	259	...	...	259	4,971	22	27
...	110	15	...	...	56	24	236	387	187	810	20,447	41	41
...	62	13	...	...	250	120	533	986	891	2,410	34,137	19	45
...	136	31	...	...	...	...	167	...	...	167	3,939	37	10
...	51	5	12	3	107	40	293	778	815	1,886	22,483	32	1
...	51	14	...	...	63	44	242	2,753	347	3,342	32,764	27	...
...	5	1	...	...	3	...	10	434	1,407	1,851	2,009	39	20
...	27	6	...	...	92	7	161	138	69	368	6,048	16	73
...	...	2	...	...	...	2	12	9	...	21	5,723	21	15
...	37	52	27	23	57	50	251	328	358	937	25,072	16	69
...	238	52	...	...	158	34	487	708	110	1,305	30,944	14	23
...	180	34	58	10	111	16	476	1,582	829	2,887	76,995	19	24
...	38	11	...	...	74	32	310	1,257	1,237	2,804	32,766	37	52
...	53	57	...	...	39	134	283	...	...	283	5,815	6	35
...	37	22	...	...	59	49	183	405	570	1,158	19,513	33	...
...	61	117	26	6	39	20	353	695	793	1,841	29,323	18	34
...	30	11	...	...	85	13	139	...	...	139	2,783	12	34
...	34	9	...	...	58	23	144	88	47	279	15,372	32	10
...	54	9	...	...	52	13	165	371	118	654	21,027	44	54
...	26	7	...	...	12	11	107	769	548	1,424	9,806	41	76
...	46	24	...	...	29	37	194	440	381	1,015	30,206	18	58
	1,561	525	123	42	1,497	688	5,317	16,801	9,916	32,034	4,43,637	6	61
										or £ Sterling	177,454	17	2

Errors Excepted,

(Signed) W. OLIVER,
Register.

General Report on the Reports furnished by the Zillah Judges, conformably to Section 11, *Regulation XIII.* 1802, *of Causes depending in their Courts, on the* 1st *January* 1815; *showing also the estimated Amount of Property in Litigation in those Courts.*

Zillahs.	By the Judge, in Appeal from Decision of		By the Assistant Judge, in Appeal from Decision of		Under Trial, in the first instance, before			Total before the Judge, Assistant Judge, and Register.	Under Trial, in the first instance, before the Native Commissioners.	Grand Total.	Amount of Property under Litigation.
	The Register.	The Native Commissioners.	The Register.	The Native Commissioners.	The Judge.	The Assistant Judge.	The Register.				Pagodas F. C.
Bellary	11	37	...	...	28	...	64	140	392	532	23,200 8 66
Preceding half-yearly Report	... 17	... 92	...	...	... 42	...	... 91	... 242	... 326	... 568	
Canara	2	136	...	...	457	...	126	721	4,891	5,612	1,05,045 26 42
Preceding half-yearly Report	... ...	... 138	...	...	... 287	...	... 145	... 570	... 4,893	... 5,463	
Chingleput	3	2	...	...	38	...	32	75	218	293	10,858 27 77
Preceding half-yearly Report	... ...	... 3	...	...	... 20	...	... 41	... 64	... 207	... 271	
Chittoor	74	219	...	...	85	...	294	672	866	1,538	60,307 19 42
Preceding half-yearly Report	... 38	... 188	...	...	... 98	...	... 338	... 662	... 919	... 1,581	
Cochin	...	...	...	...	26	...	...	26	...	26	2,704 32 15
Preceding half-yearly Report	... ...	... ...	...	...	... 80	...	... ...	... 80	... ...	... 80	
Combaconum	14	84	3	66	57	83	223	530	531	1,061	57,441 28 58
Preceding half-yearly Report	... 17	... 120	... 7	... 12	... 78	... 8	... 309	... 551	... 585	... 1,136	
Cuddapah	33	109	...	...	96	...	77	315	901	1,216	27,079 4 60
Preceding half-yearly Report	... 31	... 104	...	...	... 92	...	... 63	... 290	... 413	... 703	
Darapooram	6	28	...	...	18	...	121	173	143	316	11,495 13 46
Preceding half-yearly Report	... 4	... 25	...	...	... 22	...	... 118	... 169	... 249	... 418	
Ganjam	10	28	...	...	25	...	44	107	92	199	9,921 27 14
Preceding half-yearly Report	... 10	... 22	...	...	... 37	...	... 66	... 135	... 111	... 246	
Guntoor	4	10	...	...	13	...	35	62	477	539	7,733 25 38
Preceding half-yearly Report	... ...	[illegible] ...	...	...	... ...	...	... ...	... ...	... ...	... ...	

Madura	7	13	3	3	130	117	47	320	56	376	33,262 14 34
Preceding half-yearly Report	... 7	... 16	3	... 3	... 173	...102	... 90	... 394	... 124	... 518	
Malabar, North	10	183	...	...	120	...	161	474	426	900	46,683 2 0
Preceding half-yearly Report	... 10	... 180	...	...	... 123	... ...	... 131	... 444	... 412	... 856	
Malabar, South	7	30	...	...	54	132	19	242	779	1,021	78,163 39 60
Preceding half-yearly Report	... 22	... 35	...	...	... 65	...115	... 233	... 470	... 786	... 1,256	
Masulipatam	10	19	...	...	24	...	52	105	96	201	15,395 2 7
Preceding half-yearly Report	... 38	... 86	...	...	... 31	...	... 24	... 179	... 93	... 272	
Nellore	...	...	...	...	48	...	230	278	...	278	11,552 39 19
Preceding half-yearly Report	... ...	... ...	...	...	... 60	...	... 236	... 296	... ...	... 296	
Rajahmundry	22	120	...	...	208	...	268	618	767	1,385	87,624 22 14
Preceding half-yearly Report	... 20	... 98	...	...	... 187	...	... 230	... 530	... 820	... 1,350	
Salem	32	350	...	73	445	17	88	1,005	690	1,695	74,781 14 31
Preceding half-yearly Report	... 6	... 319	...	...119	... 526	... 30	... [illegible]	...1,104	... 491	... 1,595	
Seringapatam	3	...	...	...	14	...	95	112	...	112	8,609 18 70
Preceding half-yearly Report	... ...	... ...	...	...	... 9	...	... 42	... 51	... 69	... 120	
Tinnevelly	1	2	...	...	22	...	21	46	43	89	5,763 34 63
Preceding half-yearly Report	... 4	... 2	...	...	... 63	...	... 23	... 92	... 22	... 114	
Trichinopoly	13	109	...	...	32	...	90	244	118	362	23,440 39 71
Preceding half-yearly Report	... 19	... 105	...	...	... 46	...	... 126	... 296	... 107	... 403	
Verdachellum	11	98	...	...	41	...	108	258	956	1,214	29,420 42 33
Preceding half-yearly Report	... 17	... 97	...	...	... 49	...	... 95	... 258	... 918	... 1,176	
Vizagapatam	...	9	...	...	26	...	90	125	460	585	17,706 18 49
Preceding half-yearly Report	... ...	... 8	...	...	... 22	...	... 104	... 134	... 579	... 713	
Total current half-yearly ...	273	1,586	6	142	2,007	349	2,285	6,648	12,902	19,550	7,48,192 8 29
Total preceding half-yearly	...260	...1,633	...10	...134	...2,110	...255	...2,609	...7,011	...12,124	...19,135	

Sudder Adawlut, Register's Office,
28th February 1815.

Errors Excepted.

(Signed) W. OLIVER,
Register.

APPEALS *decided by the* SUDDER ADAWLUT *in the Year* 1814.

Decreed or dimissed	16
Adjusted by Razeenamahs of the parties	
Total	16

(Signed) W. OLIVER,
Register.

Register's Office,
1 January 1815.

General Abstract of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from 1st of January to 31st December 1814.

Divisions.	Zillahs.	Number of Trials.					Number of Prisoners on whom Sentence has been passed.									Total.
											Totals.					
		1812.	1813.	1814.	Special Commission of 1812.	Total.	1812.	1813.	1814.	Special Commission.	Death.	Transportation.	Imprisonment.	Release.	Tazeer.	
Centre Division	Bellary	...	...	13	...	13	...	...	19	...	11	1	3	4	...	19
	Chittoor	...	...	5	...	5	...	...	9	...	3	2	3	1	...	9
	Cuddapah	2	2	5	...	9	3	5	6	...	2	4	3	5	...	14
Northern Division	Masulipatam	...	4	2	...	6	...	4	3	...	...	4	1	2	...	7
	Nellore	...	...	2	...	2	...	...	5	...	...	...	...	5	...	5
	Rajahmundry	...	...	5	...	5	...	...	16	...	4	3	1	8	...	16
	Ganjam	...	2	...	...	2	...	4	...	...	...	...	1	3	...	4
	Vizagapatam	...	...	1	...	1	...	...	2	...	...	...	1	1	...	2
Southern Division	Trichinopoly	...	1	...	...	1	...	1	...	...	...	...	...	1	...	1
	Darapooram	...	1	...	...	1	...	1	...	...	1	...	...	...	...	1
	Madura	...	1	...	...	1	...	1	...	...	...	1	...	...	...	1
	Tinnevelly	...	1	1	...	2	...	3	1	...	1	...	1	2	...	4
	Combaconum	...	...	3	...	3	...	...	5	...	1	...	2	2	...	5
Western Division	North Malabar	...	1	3	17	21	...	1	3	66	28	16	16	10	...	70
	South Malabar	...	5	4	...	9	...	12	4	...	2	...	5	9	...	16
	Canara	...	1	8	...	9	...	24	23	...	17	13	2	15	...	47
	Cochin	...	1	...	...	1	...	12	...	...	...	...	5	7	...	12
	Total...	2	20	52	17	91	3	68	96	66	70	44	44	75	...	233

Foujdarry Adawlut, Register's Office,
24th March 1817.

Errors Excepted.

(Signed) ROB. ANDERSON,
Deputy Register.

An Account shewing the Amount of Fees collected and carried to the Account of Government on the Institution and Trial of Suits and Appeals, from 1st January to 31st December 1814.

	Fees collected in 1814.		
	Pag.	F.	C.
Centre division	1,199	16	64
Northern division	2,259	3	25
Southern division	1,422	41	55
Western division	580	13	72
Bellaree	1,054	29	77
Canara	757	14	2
Chingleput	1,088	5	50
Chittoor	1,412	27	14
Cochin	469	25	59
Combaconum	1,120	1	6
Cuddapah	788	34	5
Darapooram	282	14	7
Ganjam	504	37	17
Guntoor	53	1	69
Madura	832	12	1
Malabar North	1,877	28	20
Malabar South	1,662	43	19
Masulipatam	1,452	2	31
Nelloor	701	19	24
Rajahmundry	950	25	30
Salem	768	35	45
Seringapatam	292	1	14
Tinnevelly	697	13	14
Trichinopoly	952	21	10
Verdachellum	640	0	31
Vizagapatam	1,960	30	60
Total, Star Pagodas	24,474	4	21

Errors excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlût, Register's Office,
28th February 1814.

General Abstract Statement of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal during the Year 1815, *formed from the Monthly Abstract Registers furnished by them, conformably to Section* 13, *Regulation XII, A. D.* 1802; *shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes, to* 31*st December* 1815.

Courts.	Appeals: Decreed or Dismissed.	Appeals: Adjusted by Razeenamahs	Causes, tried in the first instance: Decreed or Dismissed.	Causes, tried in the first instance: Adjusted by Razeenamahs.	Total.	Amount decreed in original Causes. Pagodas.	F.	C.
Centre Division	59	2	14	1	76	1,28,918	5	73
Northern Division ...	64	9	2	...	75	1,23,421	20	33
Southern Division....	59	...	5	1	65	191	35	8
Western Division	46	1	8	...	55	52,060	5	26
Total...	228	12	29	2	271	3,04,591	21	60

or £ 121,836 11.10

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
28th March 1816.

General Report on the Reports furnished by the Provincial Courts, conformably to Section 14, *Regulation XIII, A. D.* 1802, *of Causes and Appeals remaining undecided in their Courts, on the* 1*st January* 1816.

Courts.	Appeals.		Causes under trial in the first instance.		Total.		Amount in Litigation. Star Pags.	F.	C.
Centre Division	69		12		81		58,451	39	55
In the preceding half-year ...	...	92	...	15	...	107			
Northern Division	220		49		269		4,39,558	39	76
In the preceding half-year ...	...	199	...	48	...	247			
Southern Division	110		13		123		69,774	3	18
In the preceding half-year ...	...	99	...	14	...	113			
Western Division	50		17		67		1,13,518	38	43
In the preceding half-year ...	...	39	...	10	...	49			
Total	449		91		450		6,81,303	31	62
Total of the preceding half-year	...	429	...	87		516			

or £ 272,521 9 7

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
28th March 1816.

General Abstract Statement of Causes decided in the Zillah Courts, during th-
Judges, pursuant to Section 10, Regulation XIII. A. D. 1802; *shewing, als,*
tween the 1*st of January and* 31*st of December* 1815.

Zillahs.	By the Judge, in Appeal from the Decision of				By the Assistant Judge in Appeal from the Decision of				
	The Register.		The Native Commissioners.		The Register.		The Native Commissioners.		
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	
Bellary	17	...	100	1	...	...	...	...	...
Canara	...	...	3	6	...	...	...	...	...
Chingleput	14	1	26	2	...	...	...	...	...
Chittoor	23	2	114	10	...	...	...	...	...
Cochin	...	...	...	...	...	...	...	...	...
Combaconum	11	...	58	3	3	...	62	1	...
Cuddupah	12	4	35	10	...	...	...	...	...
Darapooram	2	...	17	1	...	...	...	...	...
Guntoor	3	...	5	1	...	...	...	...	...
Madura	8	1	8	5	3	...	...	2	...
Malabar North	8	...	41	7	...	...	...	...	...
Malabar South	14	1	90	10	...	...	...	...	...
Masulipatam	22	2	66	4	...	...	...	...	...
Nellore	...	...	...	...	...	...	...	...	...
Rajahmundry	8	...	30	5	...	...	...	...	...
Salem	7	2	23	12	8	...	123	61	...
Seringapatam	...	...	...	...	...	...	...	...	...
Tinnevelly	6	...	4	...	...	...	...	...	...
Trichinopoly	7	...	35	10	...	...	...	...	...
Verdachellum	7	3	64	13	...	...	...	...	...
Vizagapatam	13	...	47	8	...	...	...	...	...
Ganjam	5	1	14	...	...	...	...	...	...
Total	187	17	780	108	14	...	185	64	

Sudder Adawlut, Register's Office,
28th March 1816.

Year 1815, formed from the Monthly Abstract Registers furnished by the the Amount Value of Property held under Decrees passed in those Courts, be-

	Tried in the first instance by						Total.	Tried in the first instance by the Commissioners.		Total.	Amount of Property Decreed.		
	The Judge.		The Assistant Judge.		The Register.								
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.		Decreed or Dismissed.	Adjusted by Razeenamahs.		Star Pags.	F.	C.
...	45	...	...	...	155	...	318	6,426	623	7,367	20,871	42	3
...	846	307	...	...	260	22	1,444	205	19	1,668	14,263	33	78
...	130	27	...	...	161	50	351	297	173	821	24,695	36	11
...	44	16	...	...	283	95	587	997	1,070	2,654	40,573	23	59
...	54	10	...	...	...	...	64	...	...	64	4,759	10	34
...	44	4	96	21	97	19	419	633	555	1,607	17,426	7	48
...	63	31	...	...	122	74	351	4,505	337	5,193	39,850	13	26
...	31	1	...	...	35	2	89	479	781	1,349	7,451	5	22
...	4	7	...	...	43	35	98	424	431	953	8,484	25	55
...	77	73	84	35	20	14	330	378	318	1,026	45,948	37	36
...	215	25	...	...	165	26	487	490	82	1,059	27,817	14	4
...	355	95	194	25	54	5	843	2,690	685	4,218	32,994	36	55
...	49	16	...	...	56	44	259	951	837	2,047	89,159	15	40
...	51	22	...	...	103	140	316	23	35	374	5,409	12	39
...	89	54	...	...	115	46	347	466	668	1,481	26,940	34	5
...	38	107	10	1	58	23	473	938	1,080	2,491	25,879	1	74
...	13	...	...	...	213	11	237	...	...	237	3,433	28	56
...	49	13	...	...	38	25	135	106	94	335	10,594	37	46
...	62	8	...	...	68	8	198	285	97	580	16,750	36	55
...	18	7	...	...	63	33	208	831	825	1,864	8,929	3	15
...	42	22	...	...	78	62	272	314	369	955	28,353	20	1
...	28	1	...	...	49	4	102	133	37	272	*4,756	38	10
...	2,347	846	384	82	2,176	738	7,928	21,571	9,116	38,615	5,05,344	19	52
											or £ 202,137	15	6

Errors Excepted,

(Signed) W. OLIVER,
Register.

* This is the number of causes decided in this zillah up to the 30th June last, the usual annual re-

General Report on the Reports furnished by the Zillah Judges, conformably to Section 11, *Regulation XIII*, 1802, *of Causes depending in their Courts, on the* 1*st January* 1816; *showing also the estimated Amount of Property in Litigation in those Courts.*

Zillahs.	Before the Judge, in Appeal from the Decision of: The Register.	Before the Judge, in Appeal from the Decision of: The Native Commissioners.	Before the Assistant Judge, in Appeal from the Decision of: The Register.	Before the Assistant Judge, in Appeal from the Decision of: The Native Commissioners.	Under Trial, in the first instance, before: The Judge.	Under Trial, in the first instance, before: The Assistant Judge.	Under Trial, in the first instance, before: The Register.	Total before the Judge, Assistant Judge, and Register.	Under Trial, in the first instance, before the Native Commissioners.	Grand Total.	Estimated Amount of Property in Litigation in the Zillah Courts, on the 1st of January 1816. Pagodas F. C.
Bellary	7	25	...	...	12	...	36	80	447	527	10,355 20 1
Preceding half-yearly Report	5	25	...	...	16	...	34	80	393	473	
Canara	19	164	...	...	275	...	563	1,021	4,403	5,424	91,437 29 30
Preceding half-yearly Report	...	143	...	...	276	...	393	812	4,896	5,708	
Chingleput	1	...	...	...	47	...	37	85	258	343	6,201 44 25
Preceding half-yearly Report	1	4	...	...	34	...	53	92	203	295	
Chittoor	118	235	...	...	86	...	166	605	838	1,443	58,171 26 4
Preceding half-yearly Report	95	237	...	...	72	...	185	589	638	1,227	
Cochin	...	...	...	...	12	...	...	12	...	12	661 19 56
Preceding half-yearly Report	...	...	...	...	14	...	...	14	...	14	
Combaconum	13	81	3	48	106	68	79	398	591	989	34,736 0 5
Preceding half-yearly Report	6	75	...	59	67	113	153	473	601	1,074	
Cuddapah	35	148	...	...	116	...	55	354	987	1,341	28,322 36 28
Preceding half-yearly Report	31	143	...	...	73	...	34	281	1,145	1,426	
Darapooram	7	33	...	...	15	...	99	154	192	346	11,831 [illegible] 46
Preceding half-yearly Report	6	34	...	...	24	...	123	187	247	434	
Guntoor	4	7	...	...	24	...	25	60	334	394	10,412 43 32
Preceding half-yearly Report	3	8	...	...	21	...	2	34	131	165	
Madura	1	10	...	4	58	28	15	116	14	130	4,71[illegible] [illegible] 22
Preceding half-yearly Report	3	12	2	...	78	89	37	221	72	295	

Malabar, North	29	160	...	...	2[illegible]9	...	107	505	531	1,036	3[illegible],876 24 19
Preceding half-yearly Report	... 22	... 140	...	...	... 185	... ...	... 139	... 488	... 405	... 893	
Malabar, South	10	75	...	...	2[illegible]4	225	68	302	470	1,072	804 98 39
Preceding half-yearly Report	... 11	... 41	...	...	... 80	...113	... ...	... 245	... 838	... 1,083	
Masulipatam	11	41	...	...	32	...	97	181	153	334	18,391 5 24
Preceding half-yearly Report	... ...	... 9	...	...	... 6	...	... 82	... 97	... 113	... 210	
Nellore	...	...	...	...	1[illegible]	...	85	101	57	158	7,491 44 64
Preceding half-yearly Report	... ...	... ...	...	...	... 44	...	... 26[illegible]	... 306	... ...	... 906	
Rajahmundry	32	118	...	...	189	...	288	627	1,121	1,74[illegible]	1,16,700 11 12
Preceding half-yearly Report	... 25	... 135	...	...	... 228	...	... 249	... 637	... 1,012	... [illegible],649	
Salem	23	235	8	89	330	46	67	799	748	1,54[illegible]	56,024 36 17
Preceding half-yearly Report	... 22	... 256	16	96	... 439	11	... 63	... 903	... 780	... 1,683	
Seringapatam	13	...	...	...	11	...	11[illegible]	136	...	136	6,528 35 60
Preceding half-yearly Report	... 8	... ...	...	...	... 15	...	... 77	... 100	... ...	... 100	
Tinnevelly	1	...	...	...	24	...	1[illegible]	37	74	111	5,848 29 57
Preceding half-yearly Report	... 1	... ...	...	...	... 6	...	... 6	... 13	... 37	... 50	
Trichinopoly	11	98	...	...	32	...	61	202	112	314	13,780 9 7[illegible]
Preceding half-yearly Report	... 9	... 91	...	...	... 41	...	... 34	... 175	... 168	... 343	
Verdachellum	14	95	...	...	48	...	81	238	945	1,183	28,022 8 78
Preceding half-yearly Report	... 8	... 109	...	...	... 43	...	... 98	... 258	... 928	... 1,186	
Vizagapatam	...	17	...	...	26	...	48	91	449	540	18,179 1 9
Preceding half-yearly Report	... 2	... 7	...	...	... 23	...	... 45	... 77	... 415	... 492	
Ganjam	20	25	...	...	14	...	[illegible]3	72	134	206	* 7,590 30 60
Preceding half-yearly Report	... 20	... 25	...	...	... 14	...	... 13	... 72	... 134	... 206	
Total ...	369	1,568	11	141	1,906	367	2,114	6,476	12,858	19,334	6,59,386 35 38
Total preceding half-yearly Report	...285	...1,494	...21	...154	...1,[illegible]92	...326	...2,082	...6,154	...13,156	...19,310	

Or £ 263,754 14 4

Sudder Adawlut, Register's Office,
28th March 1816.

Errors Excepted.

(Signed) W. OLIVER,
Register.

* This is the number of Causes depending in this Zillah up to the 1st July last, the usual annual reports not having been furnished on account of the sickness which has prevailed among the Native Establishment of the Zillah Court.

General Abstract of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from 1st January to 31st December 1815.

Divisions.	Zillahs.	Number of Trials. 1812.	1813.	1814.	1815.	Total.	Number of Prisoners on whom Sentence has been passed. 1812.	1813.	1814.	1815.	Totals. Death.	Transportation.	Imprisonment.	Released on Security.	Released.	Total.
Centre Division	Chittoor	1	...	...	11	12	27	...	...	14	1	2	2	2	34	41
	Bellary	...	...	1	11	12	...	...	1	14	6	...	2	...	7	15
	Cuddapah	5	...	14	6	25	19	...	32	8	1	15	10	4	29	59
	Chingleput	...	...	4	...	4	...	...	10	...	...	8	1	1	...	10
Northern Division	Masulipatam	...	...	1	...	1	...	...	2	...	2	...	...	...	...	2
	Nellore	...	...	2	1	3	...	...	13	4	...	...	...	...	17	17
	Guntoor	...	...	...	1	1	...	...	...	2	...	...	...	...	2	2
	Rajahmundry	...	...	6	3	9	...	...	18	8	1	3	1	...	21	26
	Vizagapatam	...	...	2	4	6	...	...	29	4	...	...	9	20	4	33
	Ganjam	...	...	4	...	4	...	...	9	...	...	...	...	1	8	9
Southern Division	Trichinopoly	...	...	3	...	3	...	...	3	...	...	...	1	...	2	3
	Combaconum	...	...	4	1	5	...	...	10	1	5	...	1	...	5	11
	Verdachellum	...	...	...	1	1	...	...	...	1	...	...	...	...	1	1
	Salem	...	...	14	8	22	...	...	53	17	2	15	1	1	51	70
	Darapooram	...	2	4	...	6	...	36	5	...	2	1	21	...	17	41
	Madura	...	...	4	1	5	...	...	13	1	2	1	1	2	8	14
	Tinnevelly	...	1	4	...	5	...	1	5	...	1	...	2	...	3	6
Western Division	North Malabar	...	...	1	2	3	...	...	5	3	2	1	...	...	5	8
	South Malabar	...	...	14	3	17	...	...	39	9	13	12	5	2	16	48
	Canara	...	...	1	3	4	...	...	6	3	1	...	...	4	4	9
	Cochin	...	...	1	...	1	...	...	1	...	...	...	...	1	1	1
	Seringapatam	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total	6	3	84	56	149	46	37	254	89	39	58	57	37	235	426

Foujdarry Adawlut, Register's Office,
24th March 1817.

Errors Excepted.

(Signed) ROB. ANDERSON,
Deputy Register.

An Account shewing the Amount of Fees collected and carried to the Account of Government on the Institution and Trial of Suits and Appeals, from 1st January to 31st December 1815.

	Fees collected in 1815. S. Pags.	F.	C.
Centre division	1,192	41	10
Northern division	2,583	22	24
Southern division	990	42	24
Western division	2,149	37	2
Bellary	821	30	68
Canara	2,942	29	46
Chingleput	1,302	40	46
Chittoor	1,766	14	2
Cochin	207	19	61
Combaconum	1,128	39	52
Cuddapah	1,121	40	75
Darapooram	461	8	47
Ganjam	280	35	0
Guntoor	597	29	18
Madura	807	15	77
Malabar, North	1,124	2	9
Malabar, South	1,821	5	27
Masulipatam	1,30[illegible]	[illegible]	57
Nellore	675	[illegible]	[illegible]
Rajahmundry	1,49[illegible]	8	17
Salem	67[illegible]	32	46
Seringapatam	29[illegible]	8	26
Tinnevelly	4[illegible]1	36	8
Trichinopoly	1,2[illegible]6	8	61
Verdachellum	9[illegible]2	24	65
Vizagapatam	1,435	5	16
Total, Star Pagodas ...	29,[illegible]00	14	31

Errors excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
28th March 1816.

This is the amount of fees collected in this Zillah up to the 30th June last, the usual annual account not having been furnished on account of the sickness which has prevailed among the Native Establishment of the Zillah Court.

General Abstract Statement of Appeals and Causes, determined or adjusted by the Provincial Courts of Appeals, from January to June 1816, formed from the Monthly Abstract Registers, furnished by them conformably to Section 13, Regulation XIII, A. D. 1802.

Courts.	Appeals		Causes tried in the first instance		Total.
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	
Centre Division..........	30	3	4	3	40
Northern Division........	33	3	1	6	43
Southern Division........	36	1	3	..	40
Western Division........	20	1	7	..	28
Total....	119	8	15	9	151

Errors Excepted.

(Signed) W. OLIVF

Sudder Adawlut, Register's Office.

General Abstract Statement of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from July to December 1816, formed from the Monthly Abstract Registers, furnished by them conformably to Section 13, Regulation XIII, A. D. 1802, shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.

Courts.	Appeals		Causes tried in the first instance		Total.	Amount of Property Decreed.
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.		Pags. F. C.
Centre Division ...	40	1	3	1	45	7,611 7 58
Northern Division .	20	2	2	..	24	6,533 7 49
Southern Division .	22	..	1	..	23	1,093 33 60
Western Division ..	12	..	2	..	14	[illegible] 4 20
Total...	94	3	8	1	106	23,098 8 27

Errors Excepted.

(Signed) R. CLARKE,
Acting Register.

Sudder Adawlut, Register's Office,
20th February 1818.

General Report on the Reports furnished by the Provincial Courts, conformably to Section 14, Regulation XIII, A. D. 1802, of Causes and Appeals remaining undecided in their Courts on the 1st January 1817.

Courts.	Appeals.		Causes under Trial in the first instance.		Total.		Amount in Litigation
							Pagodas. F. C.
Centre Division	43		9		52		36,771 41 8
In the preceding half-yearly	..	58	..	11	..	69	
Northern Division	212		54		266		6,77,779 28 77
In the preceding half-yearly	..	202	..	50	..	252	
Southern Division	108		11		119		42,333 20 17
In the preceding half-yearly	..	99	..	11	..	110	
Western Division	90		24		114		1,30,284 18 40
In the preceding half-yearly	..	69	..	15	..	84	
Total....	453		98		551		8,87,169 18 62
Total of the preceding Half-yearly........		423		87		515	

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
24th March 1817.

General Abstract Statement of Causes decided in the Zillah Courts, from January
Judges, pursuant to Section 10,

Zillahs.	By the Judge, in Appeal from the Decision of				By the Assistant Judge, in Appeal from the Decision of				
	The Register.		The Native Commissioners.		The Register.		The Native Commissioners.		
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	
Bellary	12	...	60	4	...	...	...	...	...
Canara	...	...	3	...	...	...	...	...	...
Chingleput	5	...	3	...	...	...	...	...	...
Chittoor	11	2	44	4	15	1	9	1	...
Cochin	...	...	...	...	...	...	...	...	...
Combaconum	2	...	23	...	...	...	2	...	...
Cuddupah	4	3	16	12	...	...	...	...	...
Darapooram	4	...	17	2	...	...	...	...	...
Ganjam	...	...	...	...	...	...	...	...	...
Guntoor	[illegible]	...	1	1	...	...	...	...	...
Madura	...	1	4	4	...	...	...	...	...
Malabar North	6	...	55	1	...	...	...	...	...
Malabar South	9	1	76	6	...	...	...	...	...
Masulipatam	8	...	36	2	...	...	...	...	...
Nellore	...	...	...	...	...	...	...	...	...
Rajahmundry	7	...	28	1	...	...	...	...	...
Salem	1	1	5	1	8	...	25	7	...
Seringapatam	12	...	...	...	...	...	...	...	...
Tinnevelly	1	...	...	1	...	...	...	...	...
Trichinopoly	2	1	32	7	...	...	...	...	...
Verdachellum	5	...	46	12	...	...	...	...	...
Vizagapatam	...	...	15	...	...	...	...	...	...
Total	92	9	464	58	23	1	36	8	...

Sudder Adawlut, Register's Office,
9th September 1817.

to June 1816, *formed from the Monthly Abstract Registers furnished by the Regulation XIII, A. D.* 1802.

	Tried in the first instance by — The Judge. Decreed or Dismissed.	The Judge. Adjusted by Razeenamahs.	The Assistant Judge. Decreed or Dismissed.	The Assistant Judge. Adjusted by Razeenamahs.	The Register. Decreed or Dismissed.	The Register. Adjusted by Razeenamahs.	Total.	Tried in the first instance by the Commissioners. Decreed or Dismissed.	Tried in the first instance by the Commissioners. Adjusted by Razeenamahs.	Total.
...	25	...	...	...	109	3	213	5,046	238	5,497
...	747	54	...	...	139	...	943	455	122	1,520
...	38	4	...	...	61	25	136	226	114	476
...	9	8	1	...	78	25	208	463	419	1,090
...	27	2	...	...	...	...	29	...	...	29
...	17	3	15	1	45	22	131	401	376	908
...	47	11	...	...	49	21	163	1,8[illegible]3	97	2,133
...	6	1	...	...	28	1	59	334	394	787
...	...	1	...	...	...	...	1	44	14	59
...	2	...	...	...	9	16	32	149	288	463
...	38	40	...	...	30	17	134	109	70	313
...	90	11	...	...	82	10	255	356	107	718
...	175	33	128	10	88	22	548	1,171	692	2,411
...	15	2	...	...	32	[illegible]0	125	590	561	1,276
...	30	8	...	...	46	2[illegible]	110	73	73	256
...	24	6	...	...	33	16	115	222	325	662
...	9	6	1	2	17	1[illegible]	[illegible]7	407	328	832
...	26	...	...	...	99	1	13[illegible]	3	...	141
...	31	7	...	...	22	7	[illegible]9	78	35	182
...	20	5	...	...	60	6	1[illegible]3	124	50	[illegible]07
...	13	5	...	...	29	17	127	492	461	1,0[illegible]0
...	18	3	...	...	31	33	100	146	115	361
...	1,407	210	145	13	1,087	313	3,866	12,756	4,879	21,501

Errors Excepted.

(Signed) W. OLIVER,
Register.

General Abstract Statement of Causes decided in the Zillah Courts, from July to December 1816, Regulation XIII, A. D. 1802, shewing also the Amount Value

Zillahs.	By the Judge, in Appeal from Decision of										By the Assistant Judge, in Appeal from Decision of										Tried, in the first instance, by					
	The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Village Moonsiffs.		The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Village Moonsiffs.		The Judge.		The Assistant Judge.		The Register.	
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.
Bellary	11	1	16	..	15	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	59	5	..	..	6	1
Canara	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	378	..	..	..	128	17
Chingleput ..	2	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	14	2	..	..	69	21
Chittoor	11	2	53	3	..	..	..	..	..	..	11	..	24	..	..	..	..	..	..	..	16	4	4	3	26	[illegible]
Cochin	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	28	7	..	..	..	..
Combaconum	10	3	13	..	..	..	..	..	..	..	..	..	6	..	..	..	..	..	..	..	18	2	17	2	29	8
Cuddapah	7	1	18	13	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	[illegible]	14	..	..	89	43
Darapooram ..	1	..	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	15	..	..	..	14	2
Ganjam	5	..	11	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	17	1	..	..	32	5
Guntoor	[illegible]	1	4	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	18	6	..	..	9	11
Madura	1	2	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	44	65	..	..	43	30
Malabar, North	6	1	20	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	144	9	..	..	51	4
Malabar, South	..	..	32	4	16	4	..	..	..	..	..	..	4	..	..	..	..	..	..	..	204	32	95	6	62	7
Masulipatam ..	5	2	58	5	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	10	4	..	..	40	18
Nellore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	10	6	..	..	17	15
Rajahmundry	6	1	14	1	4	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	48	63	..	..	45	20
Salem	1	1	3	7	..	..	..	..	..	..	..	..	29	13	..	..	..	..	..	..	107	7	16	..	25	7
Seringapatam	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	9	..	..	..	55	..
Tinnevelly....	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	33	2	..	..	22	8
Trichinopoly ..	3	..	20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	13	4	..	..	9	2
[illegible]chellum	4	..	20	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	13	2	..	..	32	15
Vizagapatam ..	7	..	36	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	25	9	..	..	24	22
Total	94	15	331	45	39	7	..	..	..	..	11	..	63	13	..	..	..	..	..	..	1,216	244	132	16	827	[illegible]

Sudder Adawlut, Register's Office,
20th February 1818.

formed from the Monthly Abstract Register furnished by the Judges pursuant to Section 10, of Property held under Decrees passed in those Courts.

Total before the Judge, Assistant Judge, and Register.	By the Sudder Aumeen, in Appeal from the Decision of the Commissioners, &c.		Tried, in the first instance, by the Native Commissioners.													Total Native Commissioners.	Grand Total.	Amount Property Decreed.		
			Former Native Commissioners.		Sudder Aumeens.		District Moonsiffs.		District Punchayets.		Village Moonsiffs.		Village Punchayets.		Total.					
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.				S. Pags.	F.	C.
86	22	..	2,925	62	452	..	1,184	..	..	..	..	1	..	..	4,624	4,646	4,732	12,044	21	29
525	..	..	1,307	261	207	30	..	..	..	..	..	..	..	..	1,805	1,805	2,330	14,045	19	46
111	..	..	134	118	28	20	128	75	..	..	33	56	5	2	597	597	708	8,593	39	15
173	9	4	616	318	154	73	136	367	..	..	..	..	..	..	1,664	1,677	1,850	23,670	36	61
35	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	35	1,592	17	15
108	6	..	276	127	46	16	115	117	..	..	..	..	..	..	697	703	811	8,026	1	21
207	4[illegible]	30	956	152	94	74	794	203	..	..	253	108	59	29	2,722	2,795	3,002	16,960	41	0
40	1	..	229	260	36	12	..	..	..	..	..	..	..	..	537	538	578	4,079	1	65
73	..	..	24	9	19	30	..	..	..	..	..	..	..	..	82	82	155	4,961	22	40
56	..	..	195	342	23	29	58	71	..	..	..	..	..	..	718	[illegible]	774	11,066	15	10
188	..	..	242	112	12	[illegible]	47	197	..	..	..	..	..	..	616	616	804	30,668	30	65
236	1	..	237	50	31	4	81	35	..	..	..	..	..	..	438	439	675	18,394	36	25
465	..	..	1,351	198	57	9	207	85	..	..	..	..	..	..	1,907	1,907	2,372	45,727	2	62
144	12	2	647	315	50	28	221	341	..	..	..	..	..	..	1,602	1,616	1,760	16,652	40	40
48	..	..	13	45	26	34	17	46	..	..	..	..	..	..	181	181	229	1,138	40	71
204	..	..	178	107	99	86	147	313	..	..	..	..	..	..	930	930	1,134	15,066	11	12
216	31	33	539	263	5	3	..	..	..	..	..	..	..	..	810	874	190	7,197	17	57
65	..	..	1	..	1	..	..	..	..	..	..	..	..	..	2	2	67	777	27	31
72	..	..	51	28	25	32	54	94	..	..	..	..	..	..	284	284	356	7,543	11	27
51	..	..	70	53	20	11	..	..	..	..	..	..	..	..	154	154	205	1,981	6	51
92	..	..	569	457	..	..	..	..	..	..	..	..	..	..	1,025	1,026	1,118	4,675	41	51
134	..	..	197	292	..	..	..	..	..	..	..	..	..	..	489	489	623	20,256	17	74
3,329	125	69	10,755	3,569	1,385	497	3,189	1,944	..	..	286	165	64	31	21,885	22,079	25,408	2,75,121	5	78

Errors Excepted.

(Signed) R. CLARKE,
Acting Register.

General Report of the Reports furnished by the Zillah Judges, conformably to Section 11, shewing also the estimated Amount of

Zillahs.	Before the Judge, in Appeal from the Decision of					Before the Assistant Judge, in Appeal from the Decision of		Under Trial in the first instance before		
	The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	The former Commissioners.	The Register.	The former Commissioners.	The Judge.	The Assistant Judge.	The Register.
Bellary	..	8	..	..	..	..	..	4	..	10
Preceding half yearly Report	.. 6	..	..	..	.. 20	..	..	.. 9	..	.. 36
Canara	113	..	..	..	154	..	..	109	..	611
Preceding half-yearly Report	.. 213	..	..	..	.. ..	..	..	.. 117	..	.. 661
Chingleput	15	1	4	..	..	..	..	16	..	5
Preceding half-yearly Report	.. 6	..	..	..	.. 1	..	..	.. 22	..	.. 50
Chittoor	89	118	..	..	95	27	39	55	37	34
Preceding half yearly Report	.. 108	..	..	..	.. 248	..	..	.. 90	..	.. 178
Cochin	..	..	..	..	..	..	..	18	..	..
Preceding half-yearly Report	.. ..	..	..	..	.. ..	..	..	.. 17	..	.. ..
Combaconum	11	..	..	..	82	3	40	63	33	30
Preceding half-yearly Report	.. 13	..	..	..	.. 104	.. 3	.. 46	.. 76	.. 52	.. 85
Cuddapah	28	..	..	..	127	..	..	67	..	81
Preceding half-yearly Report	.. 53	..	..	..	.. 167	..	..	.. 85	..	.. 50
Darapooram	6	18	..	..	19	..	..	18	..	60
Preceding half-yearly Report	.. 6	..	..	..	.. 25	..	..	.. 46	..	.. 81
Ganjam	17	12	..	..	1	..	..	9	..	16
Preceding half-yearly Report	.. 20	..	..	..	.. 25	..	..	.. 35	..	.. 11
Guntoor	1	..	..	..	8	..	..	23	..	2
Preceding half-yearly Report	.. 2	..	..	..	.. 7	..	..	.. 43	..	.. 1
Madura	11	1	..	..	..	..	..	30	..	23
Preceding half-yearly Report	.. 3	..	..	..	.. 2	..	..	.. 107	..	.. 37
Malabar. North	29	10	..	..	..	..	..	209	..	43
[illegible]ort	.. 33	..	..	..	.. 130	..	..	.. 275	..	.. 102
[illegible]	..	8	..	..	9	2	44	32	53	24
Preceding half-yearly Report	..	..	..	..	.. 97	..	..	.. 59	.. 152	.. 57
Masulipatam	4	10	..	..	30	..	..	15	..	20
Preceding half-yearly Report	.. 4	..	..	..	.. 71	..	..	.. 20	..	.. 59
Nellore	1	7	..	..	..	..	..	21	..	39
Preceding half-yearly Report	.. ..	..	..	..	.. 3	..	..	.. 21	..	.. 39
Rajahmundry	45	163	..	..	..	..	..	347	..	273
Preceding half-yearly Report	.. 44	..	..	..	.. 131	..	..	.. 245	..	.. 309
Salem	28	..	..	..	174	3	45	32	27	45
Preceding half-yearly Report	.. 22	..	..	..	.. 260	..	.. 57	.. 86	.. 43	.. 38
Seringapatam	..	..	..	..	..	..	..	38	..	..
Preceding half-yearly Report	.. 58	..	..	..	.. ..	..	..	.. 58	..	.. ..
Tinnevelly	1	3	..	..	1	..	..	15	..	17
Preceding half-yearly Report	.. 3	..	..	..	.. ..	..	..	.. 39	..	.. 16
Trichinopoly	13	..	..	..	58	..	..	29	..	20
Preceding half-yearly Report	.. 13	..	..	..	.. 73	..	..	.. 27	..	.. 19
Verdachellum	14	..	..	..	63	..	..	44	..	39
Preceding half-yearly Report	.. 16	..	..	..	.. 61	..	..	.. 41	..	.. 83
Vizagapatam	4	..	..	..	8	..	..	26	..	19
Preceding half-yearly Report	.. 2	..	..	..	.. 9	..	..	.. 30	..	.. 35
Total	430	359	4	..	829	35	165	1,220	150	1,411
Total preceding half-yearly Report	.. 605	..	..	..	.. 1,434	.. 3	.. 103	.. 1,490	.. 247	.. 1,947

Sudder Adawlut, Register's Office,
24th March 1817.

Regulation XIII, 1802, *of Causes depending in their Courts, on the* 1*st January* 1817 ;
Property in Litigation in those Courts.

Total before the Judge, Assistant Judge, and Register.	Before the Sudder Aumeen, in Appeal from the Decision of the District Moonsiff, &c.	Under Trial in the first instance before							Total Native Commissioners.	Grand Total.	Total of preceding half-year.	Estimate Amount of Property in Litigation, on 1st January 1817.		
		Sudder Aumeens.	District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	Total.				Pags.	F.	C.
22	23	400	2	..	..	..	..	402	425	447	..	9,338	7	28
71	..	..	..	..	..	..	560	..	..	..	631			
987	..	645	1,059	..	..	..	..	1,704	1,704	2,691	..	59,193	29	16
991	..	..	..	..	..	..	3,677	..	..	..	4,668			
41	..	19	89	1	14	..	..	123	123	164	..	7,363	21	26
79	..	..	..	..	..	..	188	..	..	..	267			
494	7	125	293	..	..	..	..	418	425	919	..	51,402	56	27
624	..	..	..	..	..	..	853	..	..	..	1,477			
18	..	..	..	..	..	..	..	..	..	18	..	2,400	9	74
17	..	..	..	..	..	..	..	..	..	..	17			
262	17	71	..	..	..	..	318	389	406	668	..	31,142	0	16
379	..	..	..	..	..	..	510	..	..	..	889			
303	..	929	..	..	..	..	..	929	929	1,232	..	22,210	19	5
335	..	..	..	..	..	..	892	..	..	..	1,227			
121	..	72	..	..	..	..	..	72	72	193	..	10,940	0	25
158	..	..	..	..	..	..	119	..	..	..	277			
55	..	204	..	..	..	..	..	204	204	259	..	9,002	7	45
91	..	..	..	..	..	..	217	..	..	..	308			
34	..	35	233	..	..	..	1	269	269	303	..	12,226	21	22
53	..	..	..	..	..	..	255	..	..	..	308			
65	..	15	..	..	..	..	..	15	15	80	..	2,293	19	69
149	..	..	..	..	..	..	9	..	..	..	158			
291	100	70	..	..	..	..	565	635	735	1,026	..	25,883	24	44
540	..	..	..	..	..	..	646	..	..	..	1,186			
169	99	115	402	..	..	..	..	517	616	785	..	69,888	20	25
365	..	..	..	..	..	..	515	..	..	..	880			
79	27	60	442	..	..	..	187	689	716	795	..	15,662	2	15
154	..	..	..	..	..	..	136	..	..	..	290			
68	..	235	92	..	..	..	..	327	327	395	..	11,669	10	10
63	..	..	..	..	..	..	156	..	..	..	219			
828	..	929	..	..	..	..	..	929	929	1,757	..	1,49,436	4	65
552	..	..	..	..	..	..	1,044	..	..	..	1,596			
354	54	8	109	..	..	..	..	117	171	525	..	49,609	26	32
506	..	..	..	..	..	..	612	..	..	..	1,118			
38	..	..	..	..	..	..	..	..	..	38	..	2,557	3	18
..	..	..	..	..	..	..	..	..	..	..	58			
37	..	6	137	..	..	..	..	143	143	180	..	5,228	14	16
58	..	..	..	..	..	..	35	..	..	..	93			
120	..	..	..	..	..	..	162	162	162	282	..	15,746	21	56
132	..	..	..	..	..	..	115	..	..	..	247			
160	..	..	..	..	..	..	520	520	520	680	..	22,096	24	24
201	..	..	..	..	..	..	1,013	..	..	..	1,214			
57	..	..	..	..	..	..	664	664	664	721	..	25,671	31	52
76	..	..	..	..	..	..	406	..	..	..	482			
4,603	327	3,938	2,858	1	14	..	2,417	9,228	9,555	14,158	..	6,10,964	40	70
.. 5,829	..	..	..	..	..	..	.. 11,958	..	..	..	.. 17,787			

Errors Excepted.

(Signed) W. OLIVER,
Register.

Appeals decided by the SUDDER ADAWLUT *in the Year* 1816.

Decreed or dismissed	26
Adjusted by Razeenamahs of the parties	1
Total	27

(Signed) W^m. OLIVER,
Register.

Register's Office,
24th March 1817.

General

General Abstract of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from 1st January to 31st December 1816.

Divisions.	Zillahs.	Number of Trials.			Total.	Number of Prisoners on whom Sentence has been passed.								Total.
									Totals.					
		1814.	1815.	1816.		1814.	1815.	1816.	Death.	Transportation.	Imprisonment.	Released on Security.	Released.	
Centre Division	Chittoor	1	2	8	11	3	2	12	5	1	2	2	7	17
	Bellary	...	4	3	7	...	6	3	2	3	3	...	1	9
	Cuddapah	...	2	6	8	...	2	10	2	...	1	...	9	12
	Chingleput	...	1	...	1	...	3	...	...	...	...	...	3	3
Northern Division	Masulipatam	...	...	1	1	...	...	1	1	...	...	...	...	1
	Nellore	...	...	1	1	...	...	2	...	...	2	...	...	2
	Guntoor	...	...	2	2	...	...	3	...	...	...	...	3	3
	Rajahmundry	...	1	1	2	...	2	1	...	...	...	...	3	3
	Vizagapatam	...	1	4	5	...	1	13	...	1	...	9	4	14
	Ganjam	...	1	3	4	...	1	5	...	...	...	...	6	6
Southern Division	Trichinopoly	...	1	4	5	...	2	5	2	...	...	...	5	7
	Combaconum	...	2	...	2	...	2	...	1	...	...	...	1	2
	Verdachellum	...	2	...	2	...	4	...	2	...	...	1	1	4
	Salem	...	...	2	2	...	...	2	1	...	...	...	1	2
	Darapooram	...	...	1	1	...	...	1	...	...	1	...	...	1
	Madura	...	1	3	4	...	1	3	1	...	1	2	...	4
	Tinnevelly	...	3	1	4	...	13	1	1	...	...	1	12	14
Western Division	North Malabar	...	2	2	4	...	4	3	1	...	...	1	5	7
	South Malabar	...	10	6	16	...	30	10	3	...	8	1	28	40
	Canara	...	5	2	7	...	15	6	2	...	...	3	16	21
	Total	1	38	50	89	3	88	81	24	5	18	20	105	172

Foujdarry Adawlut, Register's Office,
24th March 1817.

Errors Excepted.

(Signed) ROBT. ANDERSON,
Deputy Register.

An Account shewing the Amount of Fees collected and carried to the Account of Government in the Institution and Trial of Suits and Appeals from 1st of January to 31st December 1816.

	Fees collected in 1816.			Totals.		
Zillah Courts.	S. Pags.	F.	C.	S. Pags.	F.	C.
Bellary	1,140	35	59			
Canara	2,717	37	38			
Chingleput	1,090	15	22			
Chittoor	1,093	26	40			
Cochin	313	30	6			
Combaconum	1,077	6	14			
Cuddapah	1,112	10	5			
Darapooram	516	38	4			
Ganjam	229	22	59			
Guntoor	407	6	17			
Madura	1,216	25	3			
Malabar, North	1,326	40	25			
Malabar, South	3,366	20	46			
Masulipatam	985	0	70			
Nellore	826	34	9			
Rajahmundry	2,116	42	32			
Salem	466	33	34			
Seringapatam	170	37	12			
Tinnevelly	483	4	29			
Trichinopoly	1,052	21	79			
Verdachellum	995	22	10			
Vizagapatam	1,846	33	55			
				24,553	4	28
Provincial Courts.						
Centre division	480	34	4			
Northern division	2,891	26	72			
Southern division	860	28	13			
Western division	1,138	23	69			
				5,371	22	78
Total, Pagodas ...				29,924	27	26

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
24th March 1817.

General Abstract Statement of Appeals and Causes, determined or adjusted by the Provincial Courts of Appeal, from January to June 1817, formed from the Monthly Abstract Registers, furnished by them conformably to Section 13, Regulation XIII, A. D. 1802.

Courts.	Appeals		Causes tried in the first instance.		Total.
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	
Centre Division.........	25	2	8	..	35
Northern Division.........	28	3	7	2	40
Southern Division.........	28	1	2	..	31
Western Division........	5	..	2	..	7
Total....	86	6	19	2	113

Sudder Adawlut, Register's Office,
10th October 1817.

(Signed) W. OLIVER,
Register.

General Abstract Statement of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from July to December 1817, formed from the Monthly Abstract Registers, furnished by them conformably to Section 13, Regulation XIII, A. D. 1802, shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.

Courts.	Appeals		Causes tried in the first instance.		Total.	Amount of Property Decreed.
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.		Pags. F. C.
Centre Division...	23	15	5	2	45	37,936 22 50
Northern Division.	16	1	4	7	28	2,25,184 40 35
Southern Division.	21	..	6	1	28	6,128 30 1
Western Division..	15	..	..	..	15	.. .. ..
Total....	75	16	15	10	116	2,69,250 3 6

Errors Excepted.

Sudder Adawlut, Register's Office,
20th February 1818.

(Signed) R. CLARKE,
Acting Register.

General Report on the Reports furnished by the Provincial Courts, conformably to Section 14, Regulation XIII, A. D. 1802, of Causes and Appeals remaining undecided in their Courts on the 1st January 1818.

Courts.	Appeals.		Causes under Trial in the first instance.		Total.		Estimate Amount of Property in Litigation on the 1st January 1818.
							Pagodas. F. C.
Centre Division	12		4		16		57,092 11 9½
Preceding half-yearly Report	..	32	..	6	..	38	
Northern Division	216		49		265		6,95,704 20 ..
Preceding half-yearly Report	..	203	..	53	..	256	
Southern Division	105		19		124		1,91,064 27 18
Preceding half-yearly Report	..	98	..	16	..	114	
Western Division	128		26		154		1,13,690 33 20
Preceding half-yearly Report	..	117	..	25	..	142	
Total....	461		98		559		10,57,552 1 47½
Total of the preceding half-yearly.........		450		100		550	

Errors Excepted.

Sudder Adawlut, Register's Office,
20th February 1818.

(Signed) R. CLARKE,
Acting Register.

General Abstract Statement of Causes decided in the Zillah Courts, from January
Judges, pursuant to Section 10,

Zillahs.	By the Judge, in Appeal from Decision of — The Register. — Decreed or Dismissed.	By the Judge … The Register. — Adjusted by Razeenamahs.	By the Judge … The Native Commissioners. — Decreed or Dismissed.	By the Judge … The Native Commissioners. — Adjusted by Razeenamahs.	By the Judge … The Sudder Aumeens. — Decreed or Dismissed.	By the Judge … The Sudder Aumeens. — Adjusted by Razeenamahs.	By the Judge … The District Moonsiffs. — Decreed or Dismissed.	By the Judge … The District Moonsiffs. — Adjusted by Razeenamahs.	By the Judge … The Village Moonsiffs. — Decreed or Dismissed.	By the Judge … The Village Moonsiffs. — Adjusted by Razeenamahs.	By the Assistant Judge, in Appeal from Decision of — The Register. — Decreed or Dismissed.	By the Assistant Judge … The Register. — Adjusted by Razeenamahs.	By the Assistant Judge … The Native Commissioners. — Decreed or Dismissed.	By the Assistant Judge … The Native Commissioners. — Adjusted by Razeenamahs.	Tried, in the first instance, by — The Judge. — Decreed or Dismissed.	Tried … The Judge. — Adjusted by Razeenamahs.	Tried … The Assistant Judge. — Decreed or Dismissed.	Tried … The Assistant Judge. — Adjusted by Razeenamahs.	Tried … The Register. — Decreed or Dismissed.	Tried … The Register. — Adjusted by Razeenamahs.
Bellary	2	..	..	..	18	2	..	..	..	..	..	..	..	..	7	..	..	..	94	4
Canara	..	..	..	1	86	..	..	..	..	..	..	..	..	..	72	..	..	..	167	2
Chingleput	8	1	..	..	1	..	..	..	..	..	..	..	..	..	12	2	..	..	21	8
Chittoor	5	..	11	..	14	2	1	..	..	..	7	..	16	..	16	1	2	1	12	6
Cochin	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	2	..	..	..	..
Combaconum	11	..	52	2	..	..	..	..	..	..	3	..	12	..	33	3	12	4	14	2
Cuddapah	8	..	13	5	19	4	..	..	..	..	..	..	..	..	22	9	..	..	10	10
Darapooram	3	..	7	1	14	..	..	..	..	..	..	..	..	..	5	5	..	..	5	..
Ganjam	16	..	..	..	13	..	..	..	..	..	..	..	..	..	16	..	..	..	2	..
Guntoor	4	..	5	..	6	4	..	..	..	..	..	..	..	..	30	19	..	..	3	4
Madura	9	3	..	..	..	..	..	..	..	..	..	..	..	..	21	13	..	..	27	23
Malabar, North	18	..	8	..	..	..	..	..	..	..	..	..	..	..	174	6	..	..	79	7
Malabar, South	2	..	..	..	31	3	..	..	..	..	..	..	4	1	93	36	..	16	11	..
Masulipatam	4	..	29	1	8	..	..	..	..	..	..	..	..	..	13	4	..	..	32	17
Nellore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	27	3	..	..	14	19
Rajahmundry	6	2	..	..	12	3	..	1	..	..	..	..	..	..	34	12	..	..	43	7
Salem	5	..	30	12	..	..	..	..	..	..	9	..	44	14	147	5	20	9	57	3
Seringapatam	2	..	..	..	..	..	..	..	..	..	..	..	..	..	5	..	..	..	39	..
Tinnevelly	..	..	1	..	5	..	..	..	..	..	..	..	..	..	12	2	..	..	11	1
Trichonopoly	4	..	28	3	3	..	..	..	..	..	..	..	..	..	9	3	..	..	31	6
Verdachellum	5	..	9	1	4	..	8	2	..	..	..	..	..	..	6	1	..	..	17	13
Vizagapatam	13	22	5	..	..	..	..	..	..	..	..	..	..	..	26	6	..	..	23	9
Total	125	28	198	26	234	18	9	3	..	..	19	..	76	15	785	132	34	24	712	141

Sudder Adawlut, Register's Office,
9th September 1817.

to June 1817, *formed from the Monthly Abstract Registers furnished by the Regulation XIII, A. D.* 1802.

Total before the Judge, Assistant Judge, and Register.	By the Sudder Aumeen, in Appeal from Decision of the Native Commissioners, &c.: Decreed or Dismissed.	By the Sudder Aumeen, in Appeal from Decision of the Native Commissioners, &c.: Adjusted by Razeenamahs.	Tried, in the first instance, by the Native Commissioners. The Native Commissioners: Decreed or Dismissed.	The Native Commissioners: Adjusted by Razeenamahs.	Sudder Aumeens: Decreed or Dismissed.	Sudder Aumeens: Adjusted by Razeenamahs.	District Moonsiffs: Decreed or Dismissed.	District Moonsiffs: Adjusted by Razeenamahs.	District Punchayets: Decreed or Dismissed.	District Punchayets: Adjusted by Razeenamahs.	Village Moonsiffs: Decreed or Dismissed.	Village Moonsiffs: Adjusted by Razeenamahs.	Village Punchayets: Decreed or Dismissed.	Village Punchayets: Adjusted by Razeenamahs.	Total.	Total Native Commissioners.	Grand Total.
127	16	..	..	..	508	..	3,558	43	3	..	..	..	..	..	4,112	4,128	4,255
328	95	5	30	7	410	55	2,168	453	32	..	..	..	..	..	3,155	3,255	3,583
53	4	..	..	..	44	12	268	139	..	..	255	144	5	7	874	878	931
94	12	1	..	..	94	72	603	745	..	..	95	226	4	..	1,839	1,852	1,946
7	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	7
148	17	1	..	..	62	18	381	325	..	..	..	..	..	..	786	804	952
100	12	4	..	..	248	81	2,154	923	..	1	280	117	12	..	3,816	3,832	3,932
40	10	2	..	..	59	13	387	665	..	..	278	39	..	..	1,441	1,453	1,493
47	..	..	..	..	77	33	144	74	..	..	..	..	..	..	328	328	375
[illegible]	..	..	..	..	29	25	215	398	5	4	26	71	1	..	774	774	849
96	..	..	..	..	17	16	288	755	..	..	..	..	..	..	1,076	1,076	1,172
292	86	3	..	..	47	11	596	267	..	..	..	..	..	..	921	1,010	1,302
191	77	5	..	..	41	4	889	256	..	..	..	..	..	..	1,190	1,272	1,463
108	27	6	93	32	[illegible]	[illegible]	647	[illegible]	..	..	10	20	..	..	1,731	1,764	1,872
63	..	..	..	..	42	[illegible]	[illegible]	507	[illegible]	..	51	4	2	..	834	834	897
120	..	..	..	..	194	115	398	552	..	..	..	..	..	..	1,259	1,259	1,379
355	57	29	..	..	8	..	749	347	2	..	1,124	496	20	3	2,749	2,835	3,190
46	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	46
32	..	..	..	..	6	5	320	405	..	..	12	24	..	..	772	772	804
87	..	..	..	..	[illegible]	[illegible]	186	161	..	..	18	16	..	..	553	553	640
66	..	..	47	91	[illegible]	45	171	106	..	..	90	221	..	..	813	813	879
104	..	..	[illegible]	[illegible]	..	..	..	..	..	..	..	..	..	..	1,434	1,434	1,538
[illegible]	[illegible]	[illegible]	813	921	2,140	656	14,306	7,903	42	5	2,239	1,378	44	10	30,457	30,926	33,505

[illegible]rrors Excepted.

(Signed) W. OLIVER,
Register.

General Abstract Statement of Causes decided in the Zillah Courts, from July to December 1817, *Regulation XIII, A. D.* 1802, *shewing also the Amount Value*

Zillahs.	By the Judge, in Appeal from Decision of										By the Assistant Judge, in Appeal from Decision of										Tried, in the first instance, by					
	The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Village Moonsiffs.		The Registers.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Village Moonsiffs.		The Judge.		The Assistant Judge.		The Register.	
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.
Bellary	2	..	..	..	21	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	11	1	..	..	122	3
Canara	21	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	15	..	..	..	72	15
Chingleput ..	3	..	..	..	3	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	11	5	..	..	58	39
Chittoor	40	3	4	..	24	3	2	..	..	..	12	2	5	..	7	2	..	..	..	..	17	9	12	..	30	12
Combaconum	..	..	45	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	15	3	..	..	15	2
Cuddapah	6	..	1	..	10	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	8	2	..	..	10	2
Darapooram ..	2	..	2	4	5	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	27	2
Ganjam	2	..	..	..	6	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	34	5	..	..	..	..
Guntoor	2	..	5	..	10	..	6	1	..	..	..	..	..	..	..	..	..	..	..	..	24	11	..	..	7	5
Madura	6	..	2	1	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	27	26	..	..	24	49
Malabar, North	8	..	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	59	1	..	..	60	21
Malabar, South	9	..	2	..	26	3	4	..	..	..	..	..	..	..	..	..	..	..	..	..	118	9	..	..	44	2
Masulipatam..	4	1	9	..	12	2	5	1	..	..	..	..	..	..	..	..	..	..	..	..	13	10	..	..	40	18
Nellore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	12	1	..	..	29	15
Rajahmundry	13	..	..	..	28	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	22	24	..	..	3	6
Salem	4	1	19	1	..	..	..	..	..	..	3	..	13	3	..	..	..	..	..	..	36	..	..	..	42	20
Seringapatam	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	46	1
Tinnevelly....	6	..	1	..	1	..	11	..	..	..	..	..	..	..	..	..	..	..	..	..	12	1	..	..	13	2
Trichinopoly..	3	..	..	..	11	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	26	5	..	..	29	6
Verdachellum	10	..	..	..	27	6	11	4	..	..	..	..	..	..	..	..	..	..	..	..	7	5	..	..	17	12
Vizagapatam..	3	..	..	..	21	2	25	2	..	..	..	..	..	..	..	..	..	..	..	..	9	6	..	..	25	10
Total	144	10	96	9	206	21	68	9	..	..	15	2	13	3	7	2	..	..	..	..	478	124	12	..	704	242

Sudder Adawlut, Register's Office,
20th February 1818.

formed from the Monthly Abstract Registers furnished by the Judges pursuant to Section 10, of Property held under Decrees passed in those Courts.

Total before the Judge, Assistant Judge, and Register.	By the Sudder Aumeen, in Appeal from Decision of the Native Commissioners, &c.		Tried, in the first instance, by the Native Commissioners.													Total Native Commissioners.	Grand Total.	Amount of Property Decreed.		
			Former Native Commissioners.		Sudder Aumeens.		District Moonsiffs.		District Punchayets.		Village Moonsiffs.		Village Punchayets.							
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Total.			S. Pags.	F.	C.
160	34	1	..	..	313	3	4,676	178	9	1	..	..	1	..	5,181	5,216	5,376	7,509	25	23
128	55	2	..	..	75	12	2,140	377	27	1	1,870	595	27	6	5,139	5,196	5,324	17,455	2	68
121	..	..	..	..	73	48	278	165	..	..	109	29	9	..	711	711	832	15,817	38	39
184	30	10	..	..	194	165	830	591	1	..	125	189	5	2	2,102	2,142	2,326	28,291	19	57
83	26	3	..	..	44	11	631	413	..	1	..	..	..	..	1,100	1,129	1,212	17,649	3	12
39	5	2	..	..	174	67	2,038	1,169	2	..	67	17	6	..	3,540	3,547	3,586	16,882	38	34
46	..	..	..	..	66	10	574	1,080	5	..	174	66	4	..	1,979	1,979	2,025	3,365	26	76
49	..	..	..	..	90	27	170	146	1	..	..	..	..	..	434	434	483	3,008	35	54
71	..	..	..	..	27	40	148	280	7	2	103	133	..	..	740	740	811	9,252	32	37
[illegible]	[illegible]	..	..	..	17	49	294	655	..	..	13	26	1	..	1,055	1,061	1,198	21,297	30	59
155	9	..	..	..	63	25	473	129	..	..	..	..	..	..	690	699	854	20,132	36	77
217	77	7	..	..	26	3	934	315	..	..	..	..	..	..	1,278	1,362	1,579	30,362	17	38
115	15	..	12	11	96	36	521	[illegible]	1	1	73	80	1	..	1,602	1,617	1,732	29,242	14	57
48	..	..	..	..	79	43	[illegible]	[illegible]	..	1	31	13	4	2	781	781	829	4,519	30	23
97	12	3	..	..	136	45	446	454	..	..	..	..	..	..	1,081	1,096	1,193	6,330	29	41
142	46	7	..	..	35	22	1,270	504	1	..	1,799	412	101	13	4,157	4,210	4,352	30,147	5	11
47	..	..	..	..	12	..	..	..	..	..	..	..	..	..	12	12	59	991	40	29
47	..	..	..	..	12	5	74	330	..	..	48	36	6	..	720	720	767	2,688	2	47
82	..	..	..	..	113	48	[illegible]	145	..	..	23	13	1	2	462	462	544	16,675	19	19
99	..	..	..	..	[illegible]	[illegible]	[illegible]	223	..	..	267	243	..	..	992	992	1,091	2,262	14	58
103	..	..	..	..	[illegible]	[illegible]	486	566	4	..	40	82	4	1	1,270	1,270	1,373	19,390	36	49
2,170	315	[illegible]	[illegible]	1	1,722	702	16,642	9,000	58	7	4,742	1,934	170	26	35,026	35,376	37,546	3,03,273	42	28

[illegible]rrors Excepted.

(Signed) R. CLARKE,
Acting Register.

General Report of the Reports furnished by the Zillah Judges, conformably to Section 11, shewing also the estimated Amount of

Zillahs.	By the Judge, in Appeal from the Decision of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	The former Commissioners.	By the Assistant Judge, in Appeal from Decision of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	Former Commissioners.	Under Trial in the first instance before: The Judge.	The Assistant Judge.	The Register.	Total before the Judge, Assistant Judge, and the Register.	
Bellary	1	12	..	..	..	..	..	..	..	..	12	..	15	40	..
Preceding half yearly Report	..	18	..	..	..	..	..	..	..	..	8	..	43	69	
Canara	142	..	..	..	..	..	..	..	..	..	96	..	399	637	..
Preceding half-yearly Report	..	..	126	..	..	..	..	..	..	..	94	..	471	691	
Chingleput	18	17	17	..	..	..	..	..	..	..	13	..	38	103	
Preceding half-yearly Report	17	9	2	..	..	..	..	..	..	..	14	..	11	53	
Chittoor	34	67	..	..	36	32	76	109	..	1	29	32	33	449	..
Preceding half-yearly Report	85	116	68	..	57	31	43	1	..	6	49	34	42	527	
Combaconum	7	..	..	..	41	..	..	..	..	..	57	..	13	98	..
Preceding half-yearly Report	2	..	..	..	78	..	..	..	..	..	49	..	14	138	
Cuddapah	27	92	10	..	13	..	..	..	..	..	77	..	22	241	..
Preceding half-yearly Report	27	82	..	21	..	..	..	..	..	..	68	..	36	234	
Darapooram	3	16	37	..	11	..	..	..	..	..	20	..	29	116	..
Preceding half-yearly Report	5	18	11	..	16	..	..	..	..	..	13	..	55	118	
Ganjam	..	6	6	..	1	..	..	..	..	..	26	..	..	39	..
Preceding half-yearly Report	2	4	2	..	1	..	..	..	..	..	19	..	9	37	
Guntoor	..	..	..	..	..	..	..	..	..	..	11	..	1	12	..
Preceding half-yearly Report	..	4	6	..	..	..	..	..	..	..	23	..	..	33	
Madura	..	2	3	..	..	..	..	..	..	..	57	..	23	85	
Preceding half-yearly Report	3	..	..	..	3	..	..	..	..	..	20	..	23	49	
Malabar, North	14	14	10	..	..	..	..	..	..	..	27	..	39	104	
Preceding half-yearly Report	19	16	3	..	3	..	..	..	..	..	57	..	96	124	
Malabar, South	2	6	..	..	..	..	..	..	..	..	43	..	14	65	
Preceding half-yearly Report	4	32	..	..	1	..	..	..	..	..	61	..	40	138	
Masulipatam	13	23	33	..	3	..	..	..	..	..	10	..	24	106	..
Preceding half-yearly Report	8	16	13	..	10	..	..	..	..	..	16	..	27	90	
Nellore	3	8	14	..	..	..	..	..	..	..	22	..	[illegible]	74	..
Preceding half-yearly Report	..	1	8	..	..	..	..	..	..	..	17	..	50	76	
Rajahmundry	37	164	6	..	..	..	..	..	..	..	345	..	247	799	..
Preceding half-yearly Report	43	171	18	..	..	..	..	..	..	..	341	..	287	810	
Salem	45	..	..	..	114	8	..	..	..	12	44	3	20	246	..
Preceding half-yearly Report	31	..	..	..	93	9	..	..	..	30	32	3	37	235	
Seringapatam	..	..	..	..	..	..	..	..	..	..	39	..	..	39	..
Preceding half-yearly Report	..	..	..	..	..	..	..	..	..	..	5	..	..	57	
Tinnevelly	1	..	3	..	..	..	..	..	..	..	10	..	2	16	..
Preceding half-yearly Report	3	1	7	..	..	..	..	..	..	..	7	..	14	32	
Trichinopoly	11	26	22	..	..	..	..	..	..	..	21	..	14	94	..
Preceding half-yearly Report	12	33	13	..	2	..	..	..	..	..	25	..	18	113	
Vardachellum	7	..	..	..	58	..	..	..	..	..	45	..	23	133	..
Preceding half-yearly Report	15	..	..	..	83	..	..	..	..	..	46	..	32	176	
Vizagapatam	7	1	26	..	..	..	..	..	..	..	21	..	14	69	..
Preceding half-yearly Report	3	..	..	..	30	..	..	..	..	..	24	..	25	82	
Total	372	454	187	..	277	40	76	109	..	13	1,005	35	997	3,565	..
Total preceding half-yearly Report	279	521	272	21	372	40	43	1	..	36	1,050	37	1,210	3,882	..

Sudder Adawlut, Register's Office,
29th February 1818.

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Regulation XIII, 1802, of Causes depending in their Courts, on the 1st January 1818; Property in Litigation in those Courts.

Before the Sudder Aumeen, in Appeal, District Moonsiff, &c.	Under Trial in the first instance before the							Total Native Commissioners.	Grand Total.	Total preceding half-yearly Report.	Estimate Amount of Property in Litigation, on the 1st January 1818.
	Sudder Aumeens.	District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	Total.				Pags. F. C.
17	85	..	..	..	..	..	85	102	142	..	6,140 2 68
22	215	1	..	..	..	..	216	238	..	307	
28	112	..	571	..	..	..	683	811	1,448	..	41,228 20 17
62	189	1,019	..	..	..	..	1,208	1,270	..	1,961	
..	41	96	2	1	..	..	140	140	248	..	10,401 35 56
..	35	323	1	32	..	..	381	381	..	434	
11	142	936	..	246	3	..	1,328	1,339	1,788	..	47,252 11 36
21	149	173	..	..	..	..	1,322	1,343	..	1,870	
14	40	570	7	..	..	..	617	631	729	..	24,600 31 34
16	38	538	..	..	..	..	576	592	..	730	
..	120	2,068	..	..	..	..	2,188	2,188	2,429	..	31,574 38 8
..	139	1,630	..	..	..	..	1,769	1,769	..	2,003	
..	47	772	..	75	..	..	894	894	1,010	..	8,976 7 32
..	55	394	..	86	..	..	535	535	..	653	
..	55	245	..	..	..	..	300	300	339	..	6,266 42 78
..	123	184	1	..	..	..	308	308	..	345	
..	9	150	8	191	..	..	358	358	370	..	8,820 20 32
..	40	200	12	156	..	..	408	408	..	441	
..	79	186	..	..	..	..	265	265	350	..	7,064 20 45
55	431	..	..	..	..	..	431	486	..	535	
3	63	1,295	..	..	..	..	1,358	1,361	1,465	..	26,588 12 38
14	61	1,277	..	..	..	..	1,338	1,352	..	1,476	
65	82	1,092	..	..	..	..	1,174	1,239	1,304	..	54,605 28 28
89	75	897	..	..	..	..	972	1,061	..	1,199	
6	117	1,273	..	..	..	44	1,434	1,440	1,546	..	20,540 12 57
19	142	927	..	..	..	70	1,139	1,158	..	1,248	
..	67	297	..	3	1	..	368	368	442	..	16,782 35 10
..	140	198	..	..	..	..	338	338	..	414	
..	520	28	..	..	..	..	548	548	1,347	..	1,52,310 42 29
..	686	..	..	..	..	..	686	686	..	1,496	
22	20	970	1	161	..	..	1,152	1,174	1,420	..	38,867 41 60
28	30	643	2	979	5	..	1,659	1,687	..	1,922	
..	..	..	..	..	..	..	..	..	39	..	3,928 36 60
..	..	..	..	..	..	..	..	..	..	57	
..	4	459	3	137	..	..	603	603	619	..	2,823 8 47
..	14	380	2	68	..	..	464	464	..	496	
..	31	222	..	..	..	..	253	253	347	..	12,966 23 20
..	103	116	..	4	..	..	223	223	..	336	
..	36	517	..	..	..	..	553	553	686	..	26,279 4 0
..	41	540	..	..	..	..	581	581	..	757	
..	64	741	6	34	3	..	848	848	917	..	27,297 35 0
..	..	..	..	..	..	822	822	822	..	904	
266	1,735	11,917	598	848	7	44	15,149	15,415	18,980	..	5,40,327 29 35
326	2,706	10,440	18	1,315	5	892	15,376	15,702	..	19,584	

Errors Excepted.

(Signed) R. CLARKE,
Acting Register.

Appeals decided by the SUDDER ADAWLUT *from January to June* 1817.

Decreed or dismissed	7
Adjusted by Razeenamahs of the parties	1
Total	8

(Signed) W. OLIVER,
Register.

Appeals decided by the SUDDER ADAWLUT *from July to December* 1817.

Decreed or dismissed	8
Adjusted by Razeenamahs	2
Total	10

(Signed) R. CLARKE,
Acting Magistrate.

General Abstract of Criminal Trials in which Sentences were passed by the Foujdarry Adawlut, from January to December 1817.

Divisions.	Zillahs.	Number of Trials for			Number of Prisoners on whom Sentence has been passed.							Total.
							Totals.					
		1816.	1817.	Total.	1816.	1817.	Death.	Transportation.	Imprisonment.	Released on Security.	Released.	
Centre Division	Chittoor	7	5	12	10	7	4	3	6	...	4	17
	Bellary	...	13	13	...	32	4	2	8	2	16	32
	Cuddapah	...	7	7	...	14	4	...	4	2	4	14
	Chingleput	...	1	1	...	1	...	...	...	...	1	1
Northern Division	Masulipatam	...	2	2	...	9	2	...	3	3	1	9
	Nellore	...	1	1	...	6	...	...	...	...	6	6
	Guntoor	...	6	6	...	6	...	...	...	...	6	6
	Rajahmundry	...	2	2	...	2	...	...	...	...	2	2
	Vizagapatam	...	3	3	...	3	...	...	...	...	3	3
	Ganjam	...	4	4	...	5	...	1	1	1	3	5
Southern Division	Trichinopoly	...	2	2	...	2	1	1	...	...	...	2
	Combaconum	...	1	1	...	3	...	...	...	...	3	3
	Verdachellum	...	...	...	...	...	...	...	...	...	...	...
	Salem	...	4	4	...	5	1	...	1	...	3	5
	Darapooram	...	...	...	...	...	...	...	...	...	...	...
	Madura	...	1	1	...	2	1	1	...	...	...	2
	Tinnevelly	1	2	3	2	2	...	1	...	...	3	4
Western Division	North Malabar	1	5	6	1	11	...	1	...	1	10	12
	South Malabar	11	6	17	28	13	8	...	3	7	23	41
	Canara	...	7	7	...	19	12	...	4	...	3	19
	Cochin	2	...	2	7	...	...	...	1	...	6	7
	Seringapatam	...	1	1	...	1	1	...	...	...	...	1
	Total	22	73	95	48	143	38	10	31	15	97	191

(Signed) ROB^T. ANDERSON,
Deputy Register.

An Account shewing the Amount of Fees collected and carried to the Account of Government on the Institution and Trial of Suits and Appeals from 1st of January to 12th July 1817.*

	Fees collected in 1817. S. Pags.	F.	C.	Totals. S. Pags.	F.	C.
Centre division	271	34	67			
Northern division	4,190	39	76			
Southern division	1,465	7	12			
Western division	613	42	14			
				6,541	34	9
Bellary	443	21	1			
Canara	1,348	2	21			
Chingleput	680	27	75			
Chittoor	530	19	57			
Combaconum	302	28	46			
Cuddapah	784	23	47			
Darapooram	374	34	46			
Ganjam	332	15	76			
Guntoor	604	27	60			
Madura	1,798	9	50			
Malabar, North	1,081	31	16			
Malabar, South	816	28	48			
Masulipatam	1,035	29	13			
Nellore	301	37	46			
Rajahmundry	2,366	43	0			
Salem	932	24	6			
Seringapatam	108	36	51			
Tinnevelly	272	29	24			
Trichinopoly	1,672	3	5			
Verdachellum	413	35	44			
Vizagapatam	674	15	13			
				17,876	34	25
Total, Star Pagodas				24,418	28	34

Errors Excepted.

(Signed) R. CLARKE,
Acting Register.

Sudder Adawlut, Register's Office,
24th March 1818.

* The account of fees collected from 12 July to Dec. 1817, not sent home.

eral Abstract Statement of Appeals and Causes, determined or adjusted by the Provincial Courts of Appeal, from January to June 1818, formed from the Monthly Abstract Registers, furnished by them conformably to Section 13, Regulation XIII, A. D. 1802.

Courts.	Appeals		Causes tried in the first instance.		Total.
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	
Centre Division..........	10	..	3	..	13
Southern Division........	20	..	3	..	23
Northern Division........	22	5	2	2	31
Western Division........	16	..	5	1	22
Total....	68	5	13	3	89

Errors Excepted.

Sudder Adawlut, Register's Office,
30th September 1818.

(Signed) R. CLARKE,
Acting Register.

General Abstract Statement of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from 1st July to 31st December 1818, formed from the Monthly Abstract Registers, furnished by them conformably to Section 13, Regulation XIII, A. D. 1802, shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.

Courts.	Appeals		Causes tried in the first instance.		Total.	Amount of Property Decreed.		
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.		Pags.	F.	C.
Centre Division...	19	..	5	..	24	71,467	14	0
Northern Division.	33	2	2	1	38	1,68,270	0	5
Southern Division.	18	1	6	..	25	42,801	1	10
Western Division..	13	1	7	..	21	39,311	9	8
Total....	83	4	20	1	108	3,21,350	9	11

Errors Excepted.

Sudder Adawlut, Register's Office,
31st March 1819.

(Signed) W. OLIVER,
Register.

General Report on the Reports furnished by the Provincial Courts of Appeals, conformably to Section 14, Regulation XIII, A. D. 1802, of Causes and Appeals remaining undecided in their Courts on the 31st December 1818, shewing the estimated Amount of Property in Litigation in those Courts.

Courts.	Appeals.		Causes under Trial in the first Instance.		Total.		Amount in Litigation.		
							Rupees.	A.	P.
Centre Division	10		4		14		50,114	8	2
Preceding half-yearly Report	..	15	..	2	..	17			
Northern Division	201		49		250		23,46,945	1	5
Preceding half-yearly Report	..	217	..	51	..	268			
Southern Division	103		19		122		8,13,981	8	11
Preceding half-yearly Report	..	105	..	23	..	128			
Western Division	128		20		148		3,20,618	4	10
Preceding half-yearly Report	..	132	..	22	..	154			
Total....	442		92		534		35,31,659	7	4
Total preceding half-yearly Report....		469		98		567			

Errors Excepted.

Sudder Adawlut, Register's Office,
31st March 1819.

(Signed) W. OLIVER,
Register.

General Abstract Statement of Causes decided in the Zillah Courts, from Janua
Judges, pursuant to Sectio

Zillahs.	By the Judge, in Appeal from Decision of								By the Assistant Judge, in Appeal from Decision of								Tried, in the first inst… by					
	The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Registers.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		The Judge.		The Assistant Judge.		The Register.	
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.
Bellary ……	..	..	..	..	7	..	..	..	..	..	..	..	..	..	..	..	33	..	..	..	1	..
Canara ……	38	2	..	..	44	..	7	..	..	..	..	..	..	..	..	..	67	..	..	..	190	27
Chingleput ..	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	2	..	..	31	10
Chittoor ….	15	1	1	..	12	..	6	..	12	..	..	..	30	..	2	..	8	5	17	..	3	..
Combaconum	3	..	..	..	16	..	..	..	..	..	..	..	..	..	..	..	13	..	..	..	41	15
Cuddapah ….	2	..	1	..	18	1	2	..	..	..	..	..	..	..	..	..	23	5	..	..	37	10
Darapooram ..	2	..	7	..	12	..	3	..	..	..	..	..	..	..	..	..	4	..	..	..	4	..
Ganjam ……	..	..	..	..	7	..	7	..	..	..	..	..	..	..	..	..	24	2	..	..	1	1
Guntoor ……	..	..	..	..	1	..	5	..	..	..	..	..	..	..	..	..	11	4	..	..	5	6
Madura ……	5	1	..	..	3	..	14	1	..	..	..	..	..	..	..	..	31	14	..	..	41	29
Malabar, North	10	..	3	..	14	..	5	..	..	..	..	..	..	..	..	..	41	2	..	..	56	6
Malabar, South	7	..	..	..	14	..	..	..	..	..	..	..	..	..	..	..	83	3	..	..	22	1
Masulipatam ..	8	1	3	..	17	..	25	1	..	..	..	..	..	..	..	..	8	2	..	..	38	25
Nellore ……	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	18	3	..	..	18	5
Rajahmundry	4	1	..	..	27	1	18	2	..	..	..	..	..	..	..	..	25	3	..	..	..	..
Salem ……	17	3	16	4	..	..	..	..	..	..	..	..	..	..	..	..	24	6	..	..	29	4
Seringapatam	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	9	..	..	..	42	..
Tinnevelly….	1	..	..	..	1	..	8	1	..	..	..	..	..	..	..	..	20	2	..	..	..	..
Trichinopoly ..	..	1	..	2	19	2	8	..	..	..	..	..	..	..	..	..	20	2	..	..	15	2
Verdachellum	..	..	..	..	7	1	22	6	..	..	..	..	..	..	..	..	11	4	..	..	13	4
Vizagapatam ..	7	..	..	..	4	..	37	2	..	..	..	..	..	..	..	..	13	5	..	..	..	1
Total ….	128	10	31	6	223	5	167	13	12	..	..	..	30	..	2	..	491	64	17	..	587	146

Sudder Adawlut, Register's Office,
30th September 1818.

June 1818, formed from the Monthly Abstract Registers furnished by the Zillah Regulation XIII, A. D. 1802.

	Total before the Judge, Assistant Judge, and Register.	By the Sudder Aumeen in Appeal from Decision of the Native Commissioners, &c.		Tried, in the first instance, by the Native Commissioners.															Total Native Commissioners.	Grand Total.
				Former Native Commissioners.		Sudder Aumeens.		District Moonsiffs.		District Punchayets.		Village Moonsiffs.		Village Punchayets.		Total.				
		Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.					
..	41	25	..	..	..	207	8	2,440	23	1	..	27	..	..	..	2,706			2,731	2,772
..	375	59	2	..	..	80	13	1,335	259	5	..	1,086	196	27	3	3,004			3,065	3,440
..	54	..	..	..	..	36	14	363	132	1	1	94	12	3	..	656			656	710
..	112	27	6	..	..	121	132	671	572	..	1	146	223	3	4	1,873			1,906	2,018
..	[illegible]8	12	..	8	2	74	26	604	204	1	6	37	27	..	..	989			1,001	1,089
..	99	12	..	..	..	153	99	2,169	1,519	2	..	68	15	2	1	4,028			4,040	4,139
..	32	..	..	..	..	89	14	540	782	..	..	106	25	..	..	1,556			1,556	1,586
..	42	..	..	..	..	58	20	114	94	..	..	..	..	..	..	286			286	328
..	32	..	..	..	..	26	32	124	209	..	..	159	110	..	..	660			660	692
..	139	1	..	..	..	33	48	262	612	..	..	8	2	2	1	968			969	1,108
..	137	3	..	..	..	84	15	800	322	..	..	..	..	..	..	1,221			1,224	1,361
..	130	37	1	..	..	2	..	317	85	..	..	..	..	..	..	404			442	571
..	128	5	..	..	..	119	30	165	459	1	..	27	25	..	1	827			832	960
..	[illegible]4	..	..	..	..	57	14	153	463	1	2	38	18	..	1	747			747	791
..	81	6	1	..	..	130	17	440	384	..	..	..	..	..	..	971			978	1,059
..	103	32	3	..	..	25	7	8[illegible]	394	7	..	1,048	194	33	..	2,591			2,626	2,729
..	54	..	..	..	..	12	..	..	..	..	..	..	..	..	..	12			12	66
..	33	..	..	..	..	7	2	246	260	1	..	23	18	1	..	558			558	591
..	71	..	..	..	..	75	14	135	106	..	..	49	9	..	..	388			388	459
..	68	..	..	..	..	8	14	198	186	1	..	308	220	..	..	935			935	1,003
..	69	..	..	..	..	37	17	581	5[illegible]8	..	3	25	26	1	..	1,248			1,248	1,317
..	1,932	219	12	8	2	1,433	536	12,540	7,623	21	13	3,249	1,120	72	11	26,628			26,860	28,792

Errors Excepted.

(Signed) R. CLARKE,
Acting Register.

General Abstract Statement of Causes, decided in the Zillah Courts, from July to December 1818, Regulation XIII, A. D. 1802, shewing also the Amount Value

Zillahs.	By the Judge, in Appeal from the Decision of — The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiff's.		By the Assistant Judge, in Appeal from the Decision of — The Register.		The Native Commissioners.		The Sudder Aumeens.		The District Moonsiffs.		By the Register, in Appeal from Decision of the District Moonsiffs.		Tried, in the first instance, by — The Judge.		The Assistant Judge.		The Register.	
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.
Bellary	..	..	..	..	14	..	11	..	..	..	..	..	..	..	..	..	..	..	42	4	..	..	..	..
Canara	20	..	..	..	20	..	5	..	..	..	..	..	..	..	..	..	..	..	30	3	..	..	2	10
Chingleput	9	2	..	..	4	..	..	..	..	..	..	..	..	..	..	..	36	1	7	1	..	..	38	10
Chittoor	10	2	..	..	20	3	9	1	13	..	1	..	24	..	17	2	..	..	6	3	23	1	31	4
Combaconum	4	..	..	..	20	2	1	..	..	..	..	..	..	..	..	..	..	..	33	2	..	..	35	..
Cuddapah	6	..	2	..	9	..	5	1	..	..	..	..	..	..	..	..	..	..	15	4	..	..	20	10
Darapooram	2	..	3	..	10	..	22	1	..	..	..	..	..	..	..	..	..	..	8	..	..	..	12	13
Ganjam	3	..	..	..	9	..	10	..	..	..	..	..	..	..	..	..	..	..	10	5	..	..	22	8
Madura	2	1	..	..	..	..	6	..	..	..	..	..	..	..	..	..	..	..	14	6	..	..	16	6
Malabar, North	13	1	..	..	11	..	5	..	..	..	..	..	..	..	..	..	7	1	34	3	..	..	50	7
Malabar, South	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	21	..	..	..	32	..
Masulipatam	4	2	1	..	7	..	6	1	..	..	..	..	..	..	..	..	..	..	21	4	..	..	30	11
Nellore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	9	7	..	..	33	11
Rajahmundry	1	1	1	..	25	1	3	..	..	..	..	..	..	..	..	..	..	..	112	28	..	..	6	..
Salem	16	2	18	4	..	..	..	..	..	..	..	..	..	..	..	..	10	4	88	11	..	..	22	15
Seringapatam	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..	..	..	38	..
Tinnevelly	1	..	..	..	1	1	6	1	..	..	..	..	..	..	..	..	..	..	9	5	..	..	4	3
Trichinopoly	14	..	..	..	8	2	..	..	..	..	..	..	..	..	..	..	10	1	7	..	..	..	27	6
Verdachellum	5	1	..	..	14	1	..	..	..	..	..	..	..	..	..	..	..	..	70	2	..	..	20	11
Vizagapatam	1	..	..	..	13	..	34	6	..	..	..	..	..	..	..	..	..	..	20	7	..	..	3	..
Total	112	12	24	4	185	10	124	16	13	..	1	..	24	..	17	2	63	7	496	87	23	1	521	115

Sudder Adawlut, Register's Office,
31st March 1819.

formed from the Monthly Abstract Registers furnished by the Judges pursuant to Section 10, of Property held under Decrees passed in those Courts.

	Total by the Judge, Assistant Judge, and Register.	By the Sudder Aumeen, in Appeal from Decision of the Native Commissioners, &c.		Tried, in the first instance, by the Native Commissioners. Former Native Commissioners.		Sudder Aumeens.		District Moonsiffs.		District Punchayets.		Village Moonsiffs.		Village Punchayets.		Total.	Total Native Commissioners.	Grand Total.	Amount of Property Decreed.		
		Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.				Rupees.	A.	P.
	71	..	..	..	..	295	5	3,047	20	3	..	8	..	..	..	3,738	3,738	3,809	18,256	12	7
..	190	[illegible]	1	..	..	72	8	686	136	3	7	1,068	199	33	7	2,219	2,302	3,492	27,571	12	3
..	113	..	..	..	..	33	12	344	154	1	..	60	11	5	..	620	620	733	45,370	4	12
	170	37	11	..	..	189	170	643	615	..	..	233	173	7	..	2,030	2,078	2,252	93,729	15	3
..	[illegible]	4	1	..	..	43	6	610	221	3	2	129	76	4	..	1,094	1,119	1,250	51,936	6	6
..	72	20	38	..	..	127	89	1,725	1,298	..	..	27	18	..	..	3,284	3,342	3,414	75,529	14	3
..	59	..	..	..	..	108	28	573	553	..	..	80	20	..	..	1,362	1,362	1,421	16,532	13	2
..	67	..	..	..	..	57	25	174	128	1	..	..	..	..	..	385	385	452	13,715	3	0
..	51	..	..	..	..	4	17	260	714	..	2	13	19	3	1	1,033	1,033	1,084	52,475	14	6
..	133	..	..	..	..	51	4	646	188	..	..	..	..	..	..	889	889	1,022	49,150	7	6
..	54	..	..	..	..	..	..	711	330	..	..	..	..	..	..	1,041	1,041	1,095	46,011	2	5
..	87	..	..	..	..	98	39	559	1,278	..	3	140	144	..	..	2,261	2,261	2,348	78,142	0	10
..	54	..	..	..	..	20	15	296	579	1	1	18	11	1	..	942	942	996	16,428	15	10
..	175	29	..	..	..	99	19	414	325	..	..	..	..	..	..	857	886	1,061	15,377	12	3
..	140	1	2	..	..	57	16	1,102	660	..	..	734	6	47	[illegible]	2,732	2,735	2,875	87,676	12	11
..	42	..	..	..	..	15	..	..	..	..	..	..	..	..	..	15	15	57	20,175	5	6
..	31	..	..	..	..	3	2	320	88	1	..	36	18	3	1	672	672	703	2,424	15	7
..	75	..	..	..	..	64	24	135	186	1	..	21	14	..	..	445	445	520	8,177	7	2
..	61	..	..	..	..	17	12	171	198	2	6	139	113	..	..	658	658	719	11,002	2	3
..	94	..	..	..	..	39	8	494	434	3	1	30	29	2	1	1,041	1,041	1,125	56,634	15	9
..	1,860	193	53	..	..	1,391	499	13,270	8,305	19	22	2,736	961	105	10	27,318	27,564	29,424	7,68,321	2	6

Errors Excepted.

(Signed) W. OLIVER,
Register.

* *General Report of the Reports furnished by the Zillah Judges, conformably to S[illegible] 11, shewing also the estimated [illegible]nt of*

Zillahs.	Before the Judge, in Appeal from the Decision of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The former Commissioners.	Before the Assistant Judge, in Appeal from the Decision of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The former Commissioners.	Before the Register, in Appeal from the Decision of the District Moonsiffs.	Under Trial in the first instance before: The Judge.	The Assistant Judge.	The Register.	Total before the Judge, Assistant Judge, and the Register.	
Bellary	2	21	11	..	..	..	..	..	..	21	..	..	55	..
Preceding half-yearly Report	.. 2	.. 17	.. 11	..	..	..	..	..	..	.. 19	..	..	.. 49	
Canara	206	..	..	..	..	..	..	..	10	92	..	136	144	
Preceding half-yearly Report	.. 112	..	..	..	..	..	..	..	..	.. 82	..	.. 179	[illegible]	
Chingleput	18	21	5	..	..	..	..	..	5	22	..	17	[illegible]	
Preceding half-yearly Report	.. 20	.. 19	.. 33	..	..	..	..	..	..	.. 20	..	..	[illegible]	
Chittoor	23	89	111	1	..	..	..	..	..	46	..	[illegible]	[illegible]	..
Preceding half-yearly Report	.. 26	.. 66	.. 50	.. 1	.. 19	.. 49	.. 60	.. 2	..	.. 21	3[illegible]	[illegible]	.. 361	..
Combaconum	8	18	16	..	..	..	..	..	..	29	..	[illegible]	77	
Preceding half-yearly Report	.. 10	.. 32	.. 1	..	..	..	..	..	..	.. 36	..	.. 145	.. 124	..
Cuddapah	25	84	23	9	..	..	..	..	..	64	..	80	285	
Preceding half-yearly Report	.. 28	.. 88	.. 22	.. 13	..	..	..	..	..	.. 71	..	.. 38	[illegible]	
Darapooram	4	24	63	1	..	..	..	..	..	14	..	25	[illegible]	
Preceding half-yearly Report	.. 4	.. 18	.. 64	.. 4	..	..	..	..	..	.. 20	..	[illegible]	14[illegible]	
Ganjam	5	3	2	1	..	..	..	..	..	21	..	[illegible]	[illegible]	
Preceding half-yearly Report	..	.. 3	.. 2	.. 1	..	..	..	..	..	.. 13	..	.. 16	.. 35	..
Guntoor	..	..	..	..	..	..	..	..	..	..	..	..	..	
Preceding half-yearly Report	.. 1	.. 1	.. 3	..	..	..	..	..	..	.. 12	..	.. 2	.. 19	..
Madura	2	1	5	..	..	..	..	..	..	26	..	13	47	
Preceding half-yearly Report	.. 2	..	.. 2	..	..	..	..	..	..	.. 40	..	.. 20	.. 64	..
Malabar, North	5	6	8	..	..	..	..	..	4	28	..	23	74	
Preceding half-yearly Report	.. 7	.. 6	.. 7	..	..	..	..	..	..	.. 20	..	.. 42	.. 82	..
Malabar, South	7	14	..	..	..	..	..	..	..	23	..	16	60	
Preceding half-yearly Report	.. 7	.. 14	..	..	..	..	..	..	..	.. 23	..	.. 1	.. 45	
Masulipatam	22	33	31	..	..	..	..	..	..	9	..	39	134	
Preceding half-yearly Report	.. 19	.. 23	.. 26	.. 1	..	..	..	..	..	.. 11	..	..	.. 122	
Nellore	6	21	3	..	..	..	..	..	11	14	..	6		..
Preceding half-yearly Report	.. 6	.. 19	.. 13	..	..	..	..	..	..	.. 15	..	..	82	
Rajahmundry	24	116	5	..	..	..	..	..	..	308	..	239		..
Preceding half-yearly Report	.. 32	.. 145	.. 16	..		..	..	..	..	.. 386	..	.. 24[illegible]	822	
Salem	31	133	..					..	10	46	..	23		..
Preceding half-yearly Report	.. 36		..						..	.. 47	..	.. 36	328	
Seringapatam	4	..	..						..	6	..	25	35	..
Preceding half-yearly Report	.. 5		..						..	.. 4	..	.. 24	.. 33	
Tinnevelly	..	1	3						..	26	..	10	40	..
Preceding half-yearly Report	.. 1	.. 2	.. 3						..	.. 12	..	.. 7	.. 25	
Trichinopoly	7	20	10	..				..	..	17	..	16	70	..
Preceding half-yearly Report	.. 16	.. 15	.. 16	..	..		..	..	..	.. 13	..	.. 18	.. 78	
Verdachellum	3	35	..	..	..	..	..	..	..	37	..	15	9[illegible]	
Preceding half-yearly Report	.. 8	..	.. 31	..	..	..	..	..	..	.. 37	..	.. 12		
Vizagapatam	..	..	12	..	..		..	..	..	35	..	14		
Preceding half-yearly Report	.. 1	2	.. 24	..	..		..	..	..	.. 32	..	.. 14	..	
Total	402	640	308	12	..	..			40	884	..	747	3,033	..
Total preceding half-yearly Report	.. 343	.. 470	.. 324	.. 129	.. 19	.. 49	.. 6[illegible]	[illegible]	..	.. 934	.. 34	.. 837	.. 3,201	..

Sudder Adawlut, Register's Office,
31st March 1819.

Regulation XIII of 1802, of Causes depending in their Courts, on the 1st January 1819; Property in Litigation in those Courts.

Before the Sudder Aumeen, in Appeal from the Decision of the District Moonsiffs.	Under Trial in the first instance before the Sudder Aumeens.	District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	Total.	Total Native Commissioners.	Grand Total.	Total preceding half-yearly Report.	Estimated Amount of Property in Litigation, on the 1st January. Rupees.	A.	P.
8	149	..	..	..	..	..	149	152	207	..	24,102	0	5
..	92	..	..	..	..	..	92	92	..	141			
..	1[illegible]0	2,224	14	..	..	..	2,368	2,368	2,812	..	1,11,197	7	0
[illegible]	61	2,261	10	..	..	..	2,332	2,446	..	2,819			
..	20	55	6	2	1	..	84	84	172	..	54,540	10	8
..	22	90	5	1	1	..	119	119	..	216			
5	1[illegible]0	1,086	..	..	..	..	1,215	1,220	1,506	..	1,23,153	9	4
50	192	852	..	..	..	..	1,044	1,094	..	1,455			
16	20	348	3	72	..	..	443	459	536	..	63,360	8	10
31	55	333	8	37	4	..	447	478	..	602			
..	128	1,698	..	..	..	..	1,826	1,826	2,111	..	1,33,407	2	0
..	38	1,841	..	..	..	..	1,979	1,979	..	2,239			
..	125	510	1	..	..	..	636	636	767	..	33,560	13	3
..	86	612	..	..	..	..	698	698	..	839			
..	58	257	..	..	..	..	315	315	375	..	28,705	14	7
..	47	304	1	..	..	..	352	352	..	387			
..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	132	6	212	1	..	351	351	..	370			
..	7	473	..	..	..	..	480	480	527	..	63,647	15	8
..	10	424	..	..	..	..	434	434	..	498			
..	40	1,517	..	..	..	..	1,557	1,557	1,631	..	74,958	2	0
..	43	1,546	..	..	..	..	1,589	1,589	..	1,671			
11	145	1,417	..	..	..	..	1,562	1,673	1,738	..	2,24,986	14	8
59	146	1,456	..	..	..	..	1,602	1,661	..	1,706			
..	9[illegible]	1,457	5	..	..	16	1,570	1,570	1,704	..	59,187	12	10
..	57	1,518	..	..	..	16	1,591	1,591	..	1,713			
..	15	125	1	..	1	..	142	142	203	..	38,548	5	10
1	23	361	1	1	..	..	386	387	..	469			
3[illegible]	[illegible]84	..	..	..	..	..	384	419	1,111	..	5,35,500	6	9
16	434	..	..	..	..	..	434	450	..	1,272			
21	1,[illegible]35	8	..	..	..	..	1,[illegible]6	1,207	1,450	..	83,446	8	9
8	9	1,122	2	..	..	..	1,13[illegible]	1,136	..	1,364			
..	11	..	..	..	..	..	11	11	46	..	12,947	7	0
..	8	..	..	..	..	..	8	8	..	41			
..	6	369	2	[illegible]	..	..	592	502	542	..	18,344	14	0
..	2	404	2	[illegible]	..	..	544	544	..	569			
..	27	118	..	..	..	..	145	145	215	..	37,899	7	2
..	55	152	..	11	..	..	218	218	..	296			
..	46	680	..	..	..	..	726	726	816	..	1,03,773	0	9
..	31	610	..	..	..	..	644	644	..	732			
..	65	579	1	27	1	..	665	665	726	..	89,123	15	3
..	52	661	4	21	..	..	742	742	..	815			
191	2,781	12,907	33	226	[illegible]	[illegible]6	15,966	16,157	19,190	..	19,14,339	0	4
274	1,576	14,679	[illegible]	[illegible]	10	16	16,739	17,013	..	20,214			

Errors Excepted.

(Signed) W. OLIVER,
Register.

Decrees passed by the SUDDER ADAWLUT *from January to June* 1818.

Decreed or dismissed by the Sudder Adawlut...	5
Adjusted by Razeenamahs	2
Total	7

(Signed) R. CLARKE,
Acting Register.

Sudder Adawlut, Register's Office,
30th September 1818.

Appeals decided by the SUDDER ADAWLUT *from July to December* 1818.

Decreed or dismissed	15
Adjusted by Razeenamahs of the parties...	2
Total	17

(Signed) W. OLIVER,
Magistrate.

Sudder Adawlut, Register's Office,
31st March 1819.

General Abstract of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from January to December 1818.

Divisions.	Zillahs.	Number of Trials for			Number of Prisoners on whom Sentences have been passed.							Total.
							Totals.					
		1817.	1818.	Total.	1817.	1818.	Death.	Transportation.	Imprisonment.	Released on Security.	Released.	
Centre Division	Bellary	...	4	4	...	6	2	1	...	...	3	6
	Chittoor	...	4	4	...	8	3	...	...	...	5	8
	Cuddapah	...	8	8	...	9	...	3		...	2	9
Northern Division	Ganjam	1	...	1	2	...	...	...		...	2	2
	Guntoor	...	1	1	...	1	...	...	...	...	1	1
	Masulipatam	1	4	5	2	22	...	1	12	...	11	24
	Nellore	...	1	1	...	2	...	...	...	1	1	2
	Rajahmundry	...	4	4	...	5	1	...	...	...	4	5
	Vizagapatam	...	3	3	...	4	2	1	...	1	...	4
Southern Division	Combaconum	...	3	3	...	3	2	...	...	...	1	3
	Trichinopoly	...	3	3	...	3	1	...	...	1	1	3
Western Division	Canara	1	6	7	3	13	2	1	1	3	9	16
	North Malabar	2	7	9	4	13	...	...	2	...	15	17
	South Malabar	2	5	7	8	9	1	...	1	3	12	17
	Total...	7	58	60	19	98	14	7	20	9	67	117

Errors Excepted.

Foujdarry Adawlut, Register's Office,
15th February 1819.

(Signed) ROB[T]. ANDERSON,
Deputy Register.

An Account shewing the Amount of Fees collected and carried to the Account of Government in the Institution and Trial of Suits and Appeals from the 1st January to the 31st December 1818.

	Fees collected in 1818.			Totals.		
	Rupees.	A.	P.	Rupees.	A.	P.
Centre division	0	0	0			
Northern division	0	0	0			
Southern division	769	8	6			
Western division	77	8	0			
				847	0	6
Bellary	174	3	5 $\frac{13}{100}$			
Canara	0	0	0			
Chingleput	127	11	3			
Chittoor	172	2	4			
Combaconum	827	2	0			
Cuddapah	1,478	6	3			
Darapooram	821	10	11			
Ganjam	0	0	0			
Madura	5,812	6	9			
Malabar, North	0	0	0			
Malabar, South	645	1	7			
Masulipatam	44	4	9			
Nellore	946	1	0			
Rajahmundry	751	15	3			
Salem	60	9	8			
Seringapatam	0	0	0			
Tinnevelly	733	8	1			
Trichinopoly	1,210	3	0 $\frac{11}{100}$			
Verdachellum	888	7	7			
Vizagapatam	2,296	7	5			
				16,990	5	3
Total, Rupees				17,837	5	9

Errors Excepted.

(Signed) W. OILVER,
Register.

Sudder Adawlut, Register's Office,
31st March 1819.

General Abstract Statement of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from January to June 1819, *formed from the Monthly Abstract Registers furnished by them, conformably to Section* 13, *Regulation XIII, A. D.* 1802.

Courts.	Appeals — Decreed or Dismissed.	Appeals — Adjusted by Razeenamahs.	Causes, tried in the first instance — Decreed or Dismissed.	Causes, tried in the first instance — Adjusted by Razeenamahs.	Total.
Centre Division	9	1	3	...	13
Northern Division	22	3	12	2	39
Southern Division	13	...	1	...	14
Western Division............	24	...	6	...	30
Total...	68	4	22	2	96

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
7th October 1819.

General Report on the Reports furnished by the Provincial Courts, conformably to Section 14, *Regulation XIII, A. D.* 1802, *of Causes and Appeals remaining undecided in their Courts, on the* 1*st July* 1819.

Courts.	Appeals.	Causes under trial in the first instance.	Total.	Total preceding half-yearly Report.
Centre Division	11	3	14	...
Preceding half-yearly Report	... 10	... 4	...	... 14
Northern Division	195	40	235	...
Preceding half-yearly Report	... 201	... 49	...	... 250
Southern Division	113	19	132	...
Preceding half-yearly Report	... 103	... 19	...	... 122
Western Division	117	15	132	...
Preceding half-yearly Report	... 128	... 20	...	... 148
Total	436	77	513	...
Total preceding half-yearly Report.....	... 442	... 92	...	... 534

Errors Excepted.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
7th October 1819.

General Abstract Statement of Causes decided in the Zillah Courts, from January [illegible] pursuant to Section 10, Regulation XIII, A. D. 1802, shewing also the [illegible]

Zillahs.	By the Judge, in Appeal from the Decision of — The Register. — Decreed or Dismissed.	Adjusted by Razeenamahs.	The Native Commissioners. — Decreed or Dismissed.	Adjusted by Razeenamahs.	The Sudder Ameens. — Decreed or Dismissed.	Adjusted by Razeenamahs.	The District Moonsiffs. — Decreed or Dismissed.	Adjusted by Razeenamahs.	By the Register, in Appeal from the Decision of the District Moonsiffs. — Decreed or Dismissed.	Adjusted by Razeenamahs.	Tried, in the first instance, by — The Judge. — Decreed or Dismissed.	Adjusted by Razeenamahs.	The Register. — Decreed or Dismissed.	Adjusted by Razeenamahs.	Total before the Judge and Register.	By the Sudder Adawlut, in Appeal from the [illegible] — Decreed or Dismissed.	Adjusted by Razeenamahs.
Bellary	..	..	..	..	20	..	13	1	..	2	23	..	1	..	60	3	..
Canara	7	1	..	..	..	..	43	..	..	1	61	..	44	22	179	1	..
Chingleput	6	..	..	..	15	..	..	..	4	..	9	3	86	17	140	..	..
Chittoor	7	..	..	..	24	1	3	2	41	6	25	5	16	4	134	28	8
Combaconum	4	..	..	..	20	..	17	..	..	..	13	3	18	..	75	20	2
Cuddapah	8	1	3	..	33	5	6	1	..	2	11	7	73	14	164	7	4
Darapooram	1	..	1	..	10	1	19	1	..	..	7	..	..	..	40	..	..
Ganjam	9	1	..	..	8	..	6	2	..	..	16	4	10	10	66	..	..
Madura	4	..	..	..	2	..	10	1	..	..	13	9	13	19	71	..	..
Malabar, North	4	..	..	..	6	..	3	..	..	..	46	7	..	..	66	..	..
Malabar, South	..	..	..	..	2	..	..	..	..	..	73	9	20	2	106	..	..
Masulipatam	8	..	..	..	14	..	8	2	7	..	12	2	24	5	82	..	..
Nellore	..	..	..	..	..	..	..	..	..	..	25	5	15	4	49	..	..
Rajahmundry	9	..	..	..	16	..	..	..	..	..	48	8	45	14	140	29	3
Salem	15	3	31	2	..	..	..	..	17	3	15	7	17	13	123	..	..
Seringapatam	..	..	..	..	..	..	..	..	..	..	..	..	42	..	42	..	..
Tinnevelly	..	..	..	..	..	1	11	..	..	..	17	10	8	3	50	..	..
Trichinopoly	1	..	..	..	..	..	15	1	1	..	16	3	31	3	71	..	..
Verdachellum	3	..	..	..	..	..	13	1	..	..	4	..	11	12	44	..	..
Vizagapatam	2	..	..	..	15	1	15	2	..	..	26	8	17	3	89	..	..
Total	88	6	35	2	185	9	182	14	70	14	460	90	491	146	1,791	88	13

Sudder Adawlut, Register's Office,
7th October, 1819.

June 1819, formed from the Monthly Abstract Registers furnished by the Judges, Amount Value of Property held under Decrees passed in those Courts.

	Tried, in the first instance, by the Native Commissioners.																	
	Former Native Commissioners.		Sudder Aumeens.		District Moonsiffs.		District Punchayets.		Village Moonsiffs.		Village Punchayets.			Total Native Commissioners.	Grand Total.	Amount of Property Decreed.		
	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Decreed or Dismissed.	Adjusted by Razeenamahs.	Total.			Rupees.	A.	P.
..	..	..	366	6	3,564	10	..	..	7	..	..	..	3,953	3,956	4,016	19,116	7	4
..	..	..	153	28	695	148	4	..	465	60	19	..	1,572	1,573	1,752	22,109	11	0
..	..	..	60	14	387	108	2	..	43	3	2	..	619	619	759	62,324	6	11
..	..	..	236	113	632	624	..	..	144	115	..	..	1,864	1,900	2,034	83,342	11	2
..	..	..	19	2	671	252	..	..	120	47	1	..	1,112	1,134	1,209	45,158	12	0
..	..	..	258	113	1,827	1,451	1	..	2	..	..	..	3,652	3,659	3,823	75,089	10	6
..	..	..	132	26	208	234	..	..	68	9	..	..	677	677	717	13,858	0	4
..	..	..	56	38	167	121	..	..	..	..	..	..	382	382	448	9,881	3	3
..	..	..	2	11	230	498	..	..	2	..	..	..	743	743	814	50,918	1	7
..	..	..	89	19	503	159	..	..	..	..	..	..	772	772	838	49,726	6	2
..	..	..	14	4	855	313	..	..	..	..	..	..	1,186	1,186	1,292	46,752	15	3
..	6	..	137	54	703	1,737	1	1	123	78	..	1	2,841	2,841	2,923	87,404	3	1
..	..	..	18	13	190	581	..	..	9	3	..	..	814	814	863	12,831	8	7
..	..	..	48	24	510	487	..	..	..	..	..	..	1,069	1,101	1,241	46,410	11	3
..	..	..	55	15	856	497	2	1	418	47	21	..	1,912	1,912	2,035	51,791	2	5
..	..	..	19	2	..	..	..	..	..	..	..	..	21	21	63	3,125	8	0
..	..	..	6	5	254	307	..	..	39	15	..	..	626	626	676	5,288	13	0
..	..	..	86	13	125	162	..	..	17	1	..	..	404	404	475	19,411	7	7
..	..	..	13	10	120	175	..	..	154	92	..	..	564	564	608	8,815	10	1
..	..	..	44	17	437	408	1	..	13	16	..	1	937	937	1,026	57,886	8	9
..	6	..	1,811	327	12,936	8,272	11	2	1,624	486	43	2	25,720	25,821	27,612	7,71,243	14	3

Errors Excepted.

(Signed) W. OLIVER,
Register.

General Report of the Reports furnished by the Zillah Judges, conformably to Section 11, shewing also the estimated Amount of

Zillahs.	Before the Judge, in Appeal from Decision of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The former Commissioners.	Before the Register, in Appeal from Decision of the District Moonsiffs.	Under Trial in the first instance before: The Judge.	The Register.	Total before the Judge and Register.	Before the Sudder Aumeens, in Appeal from Decision of the District Moonsiffs.	
Bellary	2	15	..	..	8	17	18	60	..	
Preceding half yearly Report	.. 2	.. 2	.. 11	..	..	.. 21	..	.. 55	.. 3	
Canara	45	34	188	14	10	229	230	750	..	
Preceding half-yearly Report	.. 206	..	..	..	.. 10	.. 92	.. 136	.. 444		..
Chingleput	24	12	56	..	..	17	14	103	..	
Preceding half-yearly Report	.. 18	.. 21	.. 5	..	.. 5	.. 22	.. 17	.. 88	..	..
Chittoor	27	77	19	..	33	54	15	225	34	..
Preceding half-yearly Report	.. 23	.. 89	.. 111	.. 1	..	.. 46	.. 16	.. 286	.. 5	
Combaconum	5	3	12	..	..	33	13	66	4	..
Preceding half-yearly Report	.. 8	.. 18	.. 16	..	..	.. 29	.. 6	.. 77	.. 16	
Cuddapah	19	69	25	5	..	57	53	228	..	..
Preceding half-yearly Report	.. 25	.. 84	.. 23	.. 9	..	.. 64	.. 80	.. 285		..
Darapooram	3	35	50	..	..	15	27	130	..	
Preceding half-yearly Report	.. 4	.. 24	.. 63	.. 1	..	.. 14	.. 25	.. 131		..
Ganjam	8	7	2	1	..	13	17	43		..
Preceding half-yearly Report	.. 5	.. 3	.. 2	.. 1	..	.. 21	.. 28	.. 60	.. 111	
Madura	2	..	4	..	..	25	20	51	..	..
Preceding half-yearly Report	.. 2	.. 1	.. 5	..	..	.. 26	.. 13	.. 47		..
Malabar, North	2	15	20	..	..	55	22	114	..	..
Preceding half-yearly Report	.. 5	6	.. 8	..	.. 4	.. 28	.. 23	.. 74		..
Malabar, South	7	12	1	..	..	63	10	93	166	..
Preceding half-yearly Report	.. 7	.. 14	..	..		.. 23	.. 16	.. 60		..
Masulipatam	13	31	29	..	10	4	33	125	..	..
Preceding half-yearly Report	.. 22	.. 33	.. 31	..	..	.. 9	.. 39	.. 134		..
Nellore	3	11	10	..	14	9	17	64	..	..
Preceding half-yearly Report	.. 6	.. 21	.. 8	..	.. 11	.. 14	.. 6	.. 61		..
Rajahmundry	19	89	3	..	..	296	188	595	..	..
Preceding half-yearly Report	.. 24	.. 116	.. 5	..	..	.. 308	.. 239	.. 692	.. 35	
Salem	15	..	..	105	23	46	26	215	..	..
Preceding half-yearly Report	.. 31	.. 133	..	..	.. 10	.. 46	.. 23	.. 243	.. 21	
Seringapatam	..	..	..	..	..	64	..	64	..	..
Preceding half-yearly Report	.. 4	..	..	..	..	.. 6	.. 25	.. 35		..
Tinnevelly	4	..	8	..	..	30	5	47	..	..
Preceding half-yearly Report	..	.. 1	.. 3	..	..	.. 26	.. 10	.. 40		..
Trichinopoly	9	18	9	..	..	12	25	73	..	
Preceding half-yearly Report	.. 7	.. 20	.. 10	..	..	.. 17	.. 16	.. 70		..
Verdachellum	7	..	36	..	..	36	21	100	..	..
Preceding half-yearly Report	.. 3	.. 35	..	..	..	.. 37	.. 15	.. 90		..
Vizagapatam	..	3	14	..	..	21	18	56	..	..
Preceding half-yearly Report	..	..	.. 12	..	..	.. 35	.. 14	.. 61		..
Total	214	431	466	125	98	1,096	772	3,202	204	..
Total preceding half-yearly Report	.. 402	.. 640	.. 308	.. 12	.. 40	.. 884	.. 747	.. 3,083	.. 191	..

Sudder Adawlut, Register's Office,
7th October 1819.

Regulation XIII, 1802, *of Causes depending in their Courts, on the* 1st *July* 1819; *Property in Litigation on those Courts.*

	Under Trial in the first instance before the							Total Native Commissioners.	Grand Total.	Total preceding half-yearly Report.	Amount of Property under Litigation.
	Sudder Aumeens.	District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	Total.				Rupees. A. P.
..	153	..	..	..	..	..	153	153	213	..	21,867 0 4
	.. 149	..	..	..	..	..	.. 149	.. 152	..	.. 207	
..	325	82	..	..	..	..	407	407	1,157	..	1,36,747 3 2
	.. 130	.. 2,224	.. 14	..	..	..	.. 2,368	.. 2,368	..	.. 2,812	
..	37	87	4	1	1	..	130	130	233	..	43,583 5 0
	.. 20	.. 55	.. 6	.. 2	.. 1	..	.. 84	.. 84	..	.. 172	
..	196	1,456	..	..	..	..	1,652	1,686	1,911	..	1,40,905 5 6
	.. 129	.. 1,086	..	..	..	..	.. 1,215	.. 1,220	..	.. 1,506	
..	18	448	3	113	..	..	582	586	652	..	72,760 5 4
	.. 20	.. 348	.. 3	.. 72	..	..	.. 443	.. 459	..	.. 536	
..	141	1,453	..	..	..	..	1,594	1,594	1,822	..	1,17,866 12 3
	.. 128	.. 1,698	..	..	..	..	.. 1,826	.. 1,826	..	.. 2,111	
..	112	559	..	..	..	..	701	701	831	..	38,718 3 11
	.. 125	.. 510	.. 1	..	..	..	.. 636	.. 636	..	.. 767	
..	92	244	..	..	..	..	336	336	379	..	45,724 12 4
	.. 58	.. 257	..	..	..	..	.. 315	.. 315	..	.. 375	
..	19	519	..	..	..	..	538	538	589	..	64,771 8 9
	.. 7	.. 472	..	..	..	..	.. 480	.. 480	..	.. 527	
..	72	1,775	..	..	..	..	1,847	1,847	1,961	..	85,630 7 9
	.. 40	.. 1,517	..	..	..	..	.. 1,557	.. 1,557	..	.. 1,631	
..	138	1,650	..	..	..	..	1,788	1,954	2,047	..	2,41,703 5 2
	.. 145	.. 1,417	..	..	..	..	.. 1,562	.. 1,673	..	.. 1,733	
..	84	1,887	9	..	..	10	1,990	1,990	2,115	..	70,209 12 7
	.. 92	.. 1,457	.. 5	..	..	.. 16	.. 1,570	.. 1,570	..	.. 1,704	
..	38	186	1	2	..	..	227	227	291	..	27,410 15 8
	.. 15	.. 125	.. 1	..	.. 1	..	.. 142	.. 142	..	.. 203	
..	322	2	..	..	..	..	324	324	919	..	4,51,605 15 3
	.. 384	..	..	..	..	..	.. 384	.. 419	..	.. 1,111	
..	15	1,467	2	..	..	..	1,484	1,484	1,699	..	93,306 11 9
	.. 1,183	.. 3	..	..	..	..	.. 1,186	.. 1,207	..	.. 1,450	
..	..	..	..	..	..	..	..	..	64	..	10,846 4 0
	.. 11	..	..	..	..	..	.. 11	.. 11	..	.. 46	
..	8	351	2	134	..	..	495	495	542	..	17,267 6 2
	.. 6	.. 369	.. 2	.. 125	..	..	.. 502	.. 502	..	.. 542	
..	44	99	..	..	..	..	143	143	216	..	23,822 0 4
	.. 27	.. 118	..	..	..	..	.. 145	.. 145	..	.. 215	
..	62	669	..	..	..	..	731	731	831	..	99,576 3 9
	.. 46	.. 680	..	..	..	..	.. 726	.. 726	..	.. 816	
..	38	377	..	80	..	..	445	445	501	..	58,141 0 0
	.. 66	.. 570	.. 1	.. 27	.. 1	..	.. 665	.. 665	..	.. 726	
..	1,914	13,341	21	280	1	10	15,567	15,771	18,973	..	18,61,964 11 0
..	.. 2,781	.. 12,907	.. 33	.. 226	.. 3	.. 16	.. 15,966	.. 16,157	..	.. 19,190	

Errors Excepted.

(Signed) W. OLIVER,
Register.

Appeals decided by SUDDER ADAWLUT *from 1st January to 30th June* 1819

Decreed or dismissed....................	18
Adjusted by Razeenamah	1
Total	19

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
23d September 1819.

Appeals depending in SUDDER ADAWLUT *on the 1st July* 1819.

26 Appeals depending.

(Signed) W. OLIVER,
Register.

Sudder Adawlut, Register's Office,
23d September 1819.

EXTRACT

EXTRACT JUDICIAL LETTER *from* FORT ST. GEORGE, *Dated the* 1*st March* 1815.

Par. 133. We regret to be obliged to bring to the notice of your Honourable Court, the correspondence with the Judge and Magistrate in Canara, which is recorded on our proceedings noted in the margin,* relative to the detection of an extensive system of flagrant corruption and iniquity on the part of his native servants. Judicial Letter from Madras, 1 March 1815.

134. Although it was the opinion of the Judge and Magistrate, that the aggravated nature of the offences of his servants, and the extent of the injury which had resulted to the community from their crimes, called for the adoption of other measures towards them than those prescribed by the Regulation, which provides for the trial of partial corruption and extortion, we enjoined him strictly to conform to the Regulations in conducting the prosecutions which have been instituted against them.

135. This, indeed, was the only course of proceeding which we considered it competent either for us to direct, or for him to pursue. That the parties had rights (however criminal their conduct had been) was unquestionable, and that the law (whether its particular provision on the point in question were expedient or otherwise), should enable them to maintain their rights, we deemed a matter of greater importance than even the complete detection, and the adequate punishment of the offences with which they were charged. We, however, directed the Judge and Magistrate to prosecute with activity his investigation into the abuses which had taken place, and to report all his proceedings connected with it for our information.

136. You will observe, that Mr. Wilson, the Judge and Magistrate, transmitted to us petitions from two of the accused servants, who, convinced of the impracticability of exculpating themselves, appear to have sought for revenge by an attack on the character of that gentleman. On his first bringing to our notice the discovery of the malpractices of his servants, Mr. Wilson had expressed himself in a manner which appeared to proceed from expressions highly creditable to his character; and the strong measures adopted by him for the purpose of securing the persons and the property of the offenders, and of obtaining the most ample evidence of their guilt, would have removed all idea of collusion between him and them, even if any grounds for such a suspicion had existed. No such suspicion was ever entertained, and we had communicated to Mr. Wilson our assurances, that we reposed entire confidence in the integrity of his character. As, however, it appeared from the letter from Mr. Wilson, which accompanied one of the above-mentioned petitions, that he had employed one of his public servants in the transaction of private business, we deemed it proper to intimate to him, that we considered every instance in which an inferior public servant was so employed by any officer of Government to be matter of regret; but we thought it just to that gentleman to add, that we regarded the allegations contained, in the papers which he had transmitted, precisely in the same light in which they were represented by himself, and that we reposed unshaken confidence in his integrity and honour.

137. Your Honourable Court will observe, that the conduct of Mr. Thomas Gahagan, in the part he performed in bringing to light those abuses, was such as to do honour to his discernment and public spirit, and to attract our particular notice; and that the zeal of Mr. William Campbell, the Assistant Collector in Malabar, in voluntarily affording his aid to Mr. Wilson, also obtained our approbation.

138. We caused Mr. Wilson to be informed, that we should be disposed to forego all claim to the fines adjudged to Government, till the whole of the prosecutors have obtained a restitution of their property from the delinquents.†

139. We have not thought proper to comply with the recommendation of the Magistrate, that all the native servants and the Commissioners under him should

* Consultations, 11th and 21st May, 15th June, 13th July, 10th, 13th, and 27th August 1813; 4th January, and 18th February 1814.

† 27th August 1813.

Judicial Letter from Madras, 1 March 1816.

should be dismissed, for connivance at the abuses which have been practised in the zillah. We conceived that it would be preferable, that their dismissal should take place in the regular manner prescribed by Regulation V, A. D. 1811; or if that course of proceeding should be attended with difficulty, or liable to objection, that the authority of Government should not be interposed, till we had seen reason to be satisfied of the misconduct of each individual who was to be dismissed.

140. Our further proceedings on the subject will be submitted to your Honourable Court, when we shall have ascertained the issue of one or more of the appeals which the parties have made from the decisions of the Judge, in the suits which have been instituted against them.

EXTRACT JUDICIAL LETTER *from* FORT ST. GEORGE,

Dated 5th January 1816.

Judicial Letter from Madras, 5 Jan. 1816.

Par. 34. WITH reference to the information communicated to your Honourable Court by our letter of the 1st March last,* in regard to the misconduct of the public servants employed under Mr. Wilson, the late Judge and Magistrate of the zillah of Canara, we have the honour to inform you, that we have been induced, by the representations of his successor, Mr. Baber,† to authorize him to suspend from employment as many of those servants as he had reason to believe unworthy of confidence. In granting this authority, however, we did not omit to remind Mr. Baber, that the proof of their delinquency must ultimately be established in the regular manner prescribed by the Regulations.

35. Copies of several decrees passed by the provincial court of appeal, in affirmation of decrees of the zillah court of Canara, against two of those delinquents, the Sheristadar, and the Foujdarry Record keeper, have been since received, and are recorded on our proceedings noted in the margin.‡

36. Some further petitions of the nature of those referred to in the 136th paragraph of our last dispatch, have been received from certain of the delinquents. One of them, containing very heavy accusations against the late Magistrate, Mr. Wilson, has been referred by us to Mr. Baber; but the report upon it, received from that gentleman, has only confirmed our opinion of the general falsehood of the allegations of the petitioner, and the unworthiness of his case, to call for the interference of Government.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,

The 11th May 1813.

Madras Judicial Consultations, 11 May 1813.

READ the following letters from the Magistrate in the zillah of Canara.

To the Chief Secretary to Government, Fort St. George.

SIR:

For the information of the Honourable the Governor in Council, I have the honour to inform you, that I have been under the necessity of placing the persons of the two head civil and magisterial native servants, named Poottapah and Maudapah, under restraint, in consequence of several complaints having been preferred, charging them with gross corruption in the execution of their public duties.

The complaints already received are not preferred by the persons [illegible] are said to have given the bribes, but by others, who declare themselves [illegible]ted with all the circumstances of the case, and who are now engaged in pr[illegible]ng the necessary proof against the parties.

* One hundred and thirty-third and following paragraphs. † Consultation, 7th April [illegible]

‡ Consultations, 17th and 27th July, 25th August, 11th and 20th September, and [illegible]7th November 1815.

I have been induced to put these persons under restraint, to prevent their escape, and to preclude the possibility of their exerting any undue influence. I trust the Honourable the Governor in Council will admit the propriety of the measure, and authorize the continuance of it until the causes can be regularly made over to the circuit Judge, and their merits determined before that tribunal. Madras Judicial Consultations, 11 May 1813.

I have the honour, &c. &c.

(Signed) A. WILSON,
Magistrate.

Zillah Court, Canara,
1st May 1813.

P. S. Copies of this letter have been forwarded to the court of Sudder and Foujdarry Adawlut and provincial Court of Appeal and Circuit.

To the Chief Secretary to Government, Fort St. George.

Sir:

I have the honour to inform you, that since the date of my last letter, I have succeeded in securing considerable property, in money and effects, concealed under ground, belonging to the two servants, Poottapah and Maudapah. A great number of their private papers have also been found under ground, and I am sorry to say, that these papers and property corroborate the charges against them so much, that there can be no longer any doubt of their infamy. I have, in consequence, thought it my duty to put them in irons, and have this day sent them to the common jail. I am endeavouring to recover more property and more papers; and as I have already received information of some of their accomplices, I beg permission from the Honourable the Governor in Council to conduct these inquiries to a close, when I shall have the honour of reporting all particulars.

I have the honour, &c. &c.

(Signed) A. WILSON,
Magistrate.

Zillah Court, Canara,
4th May 1813.

Ordered, that the foregoing letters do lie on the table.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 21st May 1813.

Read the following letter from the Magistrate in the Zillah of Canara.

To the Chief Secretary to Government, Fort St. George.

Sir:

I have the honour to report, for the information of the Honourable the Governor in Council, some further particulars now pending in this court, against the two native head servants, Poottapah and Maudapah. I am sorry to state, that late and daily discoveries confirm the propriety of the measures which have already been adopted against them; and, as by present information, it appears likely that their malpractices, and the consequences of them, have been both more frequent and pernicious than can be at present imagined or described, it will remain for the Honourable the Governor in Council to direct whatever future measures may be deemed expedient for the final conviction of these two offenders and their many accomplices. The number of complaints at present preferred is forty, and the charges which they set forth consist of bribery, corruption, oppression, preventing and perverting the course of justice, intimidating and threatening the people. The amount of Madras Judicial Consultations, 21 May 1813.

Madras Judicial Consultations, 21 May 1813.

of bribes, fees, and other profits, stated in these several complaints to have been received by Poottapah and Maudapah, is Rupees 32,243½, or Star Pagodas 9,212 19 23, and these are stated to have been given either for the purchase of influence, general or particular assurances of good will, or for absolute interference in the process of the court. I feel that I cannot proceed upon the information I am about to communicate, without protesting how perfectly unconscious I have always been of these circumstances, and I have to lament that such an unfortunate silence has hitherto prevailed respecting them. I am acquainted with four oriental languages: Canarese, Concan, Mahratta, and Hindoostanee, which are very generally spoken throughout Canara. The people who now confess themselves on oath to have paid the bribes, and to have been acquainted with all, or many other of the infamies now brought to light, have stated, that they have frequently seen and conversed with me, and yet until the arrival of Mr. Gahagan I never heard one word about bribery, corruption, oppression, or injustice. The existence, however, of these, is now clearly proved to have continued for some years: and they have been so general throughout the province, that I am shocked to think that they have been practised, particularly by the servants of a court of justice, and I am grieved to find how serious they have been; I must, therefore, implore of the Honourable the Governor in Council to receive this letter as coming from a public servant, deeply impressed with sorrow at the evils which he is about to recite, and unhappy at the mischiefs which they have occasioned. It really is not credible, that these transactions could have been carried on for such a length of time unknown to me; but when the following circumstances shall have been considered, it will be seen, not only that such is the truth, but that until now the discovery could not have happened. These servants were formerly employed in the Revenue department, and one for a time in the circuit court, with so much credit to themselves, that I thought myself truly fortunate in obtaining them at the first institution of the court at Onore; and, with respect to the public duties assigned to them, I can declare, that the trust and responsibility attached to them has never been more than what the universal practice of every court and the Regulations of Government prescribe, nor does it any where appear that the duties assigned to these persons have either assisted or encouraged their evil practices. They have formed the plan of enriching themselves by imposing upon the credulity of the people; and, with the aid of other court and zillah servants, they have been enabled to prosecute their wicked designs without my knowledge or suspicion. The Honourable the Governor in Council will, I trust, readily believe, that every cause decided or pending in the zillah court has at all times received from me the most patient and conscientious investigation; yet it may be easily conceived that evil-disposed persons, designing to enrich themselves, can persuade the people to believe that they have a vast influence in public matters, and that they have the power at all times to direct the process of the court, to the profit or disadvantage of whom they please. That this has been the case, the following brief abstract of the complaints already received will fully establish. They have taken bribes from both parties in the same suit, and having recommended an adjustment of the suit, the parties have filed a Razeenamah, and the suit has been dismissed. They have instructed complainants in trifling cases to cite wealthy persons as witnesses to facts of which they knew nothing, merely to extort from them a fee to purchase their release from attendance; the prosecutor has then been taught to withdraw himself, and the suit has been dismissed in consequence of his non-attendance for several months. On other occasions, they have received bribes from plaintiffs and defendants, in causes wherein my decisions have been appealed, and have received the confirmation of the upper court. Does not this prove what an infatuation has prevailed, and does it not appear that either plaintiff or defendant, in one or all of such cases, would suspect their boasted influence? But it has never been mentioned. It appears to me inconceivable, how these men could have found time or opportunity to design and practice these various acts of cunning and duplicity. Their official duties have always been numerous and constant, and it remains for me to explain why they have been so. Since the original establishment of the court, there has not been a Register who continued long enough to undertake the superintendence or management of the more important details of office, and I have been, in consequence, obliged to assign them

Madras Judicial Consultations, 21 May 1813.

them to those two servants. Mr. M'Kerrell was twice absent at Madras, and when present, that gentleman was so industriously attentive to the acquisition of the native languages, that I permitted his attendance in court to be less regular, in order to give him opportunity to prosecute his studies with more probability of success: and he accordingly quitted the zillah at two different periods, for the special purpose of being examined in the languages, the Canarese and Gentoo, and for the acquisition of those he obtained the prescribed rewards. Mr. Robertson was appointed to succeed Mr. M'Kerrell, but this gentleman did not join; and from the departure of the former until the arrival of Mr. Fraser, a period of twenty-one months, the court was without a Register. In the course of Mr. M'Kerrell's residence in Canara he was four other months absent on leave, in the prosecution of his studies, so that it may be truly said I have been almost entirely without a Register, from the first institution of this court until the present time. Hence I have found it indispensable to the speedy furtherance of public business to make over most of the duties of Register to these persons. But it is not from matters connected with their public duty that they have been in any way assisted or secured in the prosecution of their infamies, and the only possible cause to which I can impute success to have attended them in their wicked designs, has been from the consequence that is always supposed to attach to respectable and responsible situations; and these two men being the two principal native servants of the court, the people have unhappily believed that they really possessed the influence which they have so audaciously proclaimed.

The lamentable effects of this unhappy credulity are more numerous and more serious than the Honourable the Governor in Council may be willing or able to conceive; I therefore think it my duty to apprize the Honourable the Governor in Council generally, that the most atrocious malpractices have undoubtedly, and for a long time past, existed, and that many of the Commissioners and other public servants throughout the province and in the court have aided and abetted their infamies. Five of these Commissioners have been already summoned to attend the court, and I have placed the Cutwall, a Vakeel of the court, and others implicated, under personal restraint: neither shall any other measure that can in the least conduce to the most full and successful termination of these inquiries be forgotten or untried. Much remains to be done; for it is by present inquiry alone that the extent of the late evils can be discovered, and the offenders detected and secured. It will be seen, from the following recital of a curious fact, what an uncommon degree of cunning has been practised by the two principals in offence, and the Honourable the Governor in Council will then see how improbable discovery became. For some time after the appointment of these men to the court, their duties were carried on with perfect tranquillity and order. On a sudden a violent animosity arose between them, the causes of which were variously stated by each: it became so troublesome, that the public business was impeded by it, and I was obliged several times to threaten them with dismissal, if it did not cease. Although I occasionally experienced inconvenience from these animosities, yet as I had learnt, both in the Revenue and Judicial departments, how useful they frequently were, in maintaining a watchful jealousy amongst servants intrusted with important duties, I endeavoured merely to moderate their feuds, not to suppress them; but I little imagined that all this appearance of enmity was feigned, and adopted only to conceal the villanies which are now exposed. During all this time there never has appeared any thing in their mode of living to create the smallest suspicion of their guilty practices. Their demeanour has, in every respect, been plain and unostentatious, corresponding with what their pay and a little family estate might be supposed capable of affording to either. When they imagined that their feigned animosities had subsisted long enough to lull my suspicions, they thought proper to put an end to the part which they had so long acted, by an intermarriage of their children, in the year 1811. Upon this occasion they certainly displayed considerable expense; but as it is well known to what an extent the natives will go upon these occasions, it did not create in me any particular surprise. There are many other deceptions which I could enumerate, but as they have all tended to one infamous design, I will not trouble the Honourable the Governor in Council with more than merely to state that in order more effectually to deceive [illegible] out of their characters,

Madras Judicial Consultations, 21 May 1813.

racters, they have been in the constant practice of distributing rice to the poor every week, and their exactness in paying coolies, and every thing which they have required on the road, when travelling with me, are very remarkable. I must now return to matters before the court, and am sorry to say, that an instance of their power and influence with the natives is most seriously illustrated in the following heavy charge. A murder is said to have been perpetrated about two years ago by one of the Commissioners, a brother of Poottapah, at Sedashegur, where the whole family were born, and have for many years resided. When the people attended to give information of this murder at the zillah court, they were taken to Maudapah's house by a Vakeel of the court, where it was hushed up, and nothing has since transpired respecting it, until the present time. The circumstance of Commissioners being obliged by the Regulations to be appointed where they have a family estate, gives them all a great deal too much local influence, more evil effects of which I shall have hereafter to detail. In the meantime, and now that I have explained generally the nature and extent of the monstrous infamies at present under inquiry, I trust and hope the Honourable the Governor in Council will give me full credit for the earnestness and solicitude with which I am prosecuting these inquiries; and Government may be assured, that every precaution is, and has been adopted, for the furtherance of justice, the apprehension and detection of the guilty, and for the recovery of all the money, effects, and other property, which may belong to the persons implicated or accused. I have already circulated proclamations, inviting information of every kind respecting them, and the beneficial effects of these are already apparent. I shall continue to adopt every measure that can possibly tend to the discovery of all that is to be known. I have addressed the British Envoy at Goa to secure the property belonging to Poottapah, whose friends have long carried on, on his behalf, extensive mercantile concerns in these territories. These two servants have also estates at Sedashegur, and they have purchased a number of gardens and much land in many other places. As it was a material object to secure all the money and other property on their estates, I resolved to depute some responsible person to seize the said property, and I have requested of the Collector, Mr. Read, to attach their estates. As Mr. Gahagan could not be spared from court, Mr. Campbell very zealously undertook to go to Sedashegur, and he accordingly proceeded with full powers (in less than twenty-four hours' notice), by express, to that place. I have applied officially to the officers commanding at Onore and Sedashegur, to assist that gentleman with all the troops that can be spared, for the purpose of securing whatever effects may be found, as it is most likely that the police servants there are under the influence of the Commissioner, who, as before stated, is a brother to Poottapah. I have mentioned Mr. Campbell, to bring his zealous and willing assistance, in a department to which he is not appointed, before the particular notice of the Honourable the Governor in Council, and I have no doubt that this gentleman will execute the trust reposed in him with every circumspection. I will leave nothing undone which can in the least conduce to the speedy and effectual termination of the present inquiries, which, by their sudden commencement, have come unexpectedly upon all parties, and from which we have, in consequence, derived much benefit. I must, therefore, bring to the knowledge and consideration of the Honourable the Governor in Council in what manner they were begun, by stating the very conspicuous part which the Register, Mr. Gahagan, has acted, in bringing to trial and exposure these unparalleled villanies. Mr. Gahagan took the oath of Register and Assistant Magistrate only on the 18th day of March last, and having very shortly after heard that there were complaints against the court servants, he conceived, with much propriety, that his court might become of essential benefit, if made to act as a check upon the servants of mine: he therefore proclaimed to the inhabitants his readiness to receive all well-founded complaints against the court servants of every description. In consequence of this communication, he soon procured sufficient information, stamped with such probability of truth, that he was induced to urge th[illegible] the immediate suspension from office of the offenders, the restraint of their [illegible]s, and the seizure of their effects and papers. Mr. Gahagan appears also [illegible] been well convinced, before adventuring on the information which h[illegible]n view, that the importance of the case would fully justify the measu[illegible]-

posed, and the testimonies now before me clearly confirm his past opinion. By the amount of the property already recovered, which is estimated by Shroffs and merchants at Star Pagodas 11,568 16 26,* it will be conceived to what a vast degree malpractices have existed, and it shews, at the same time, to what an oppressive and odious extent they have been carried. Mr. Gahagan appears to have seen, at once, the true nature of all these things, and I am bound in justice to him to declare, that in no one instance has his anticipations and proposals been disappointed or frustrated. If the detection of guilt in servants holding the most important trusts under Government, the seizure and recovery of property to a very large amount, the purifying of the Judicial system of a whole province, and the consequent diffusion of happiness among thousands, can be attributed to the conduct of any single person, the praise of having accomplished all this is entirely due to the active exertions, the resolute perseverance, and highly disinterested conduct of Mr. Gahagan, who in so short a space of time has done more essential and permanent service to the country and his employers, than is usually permitted to fall to the lot of any individual. This opinion of mine is, I am happy to say, seconded by that of the inhabitants, and I hope they will never forget to whom they are so much indebted.

Madras Judicial Consultations, 21 May 1813.

Before concluding, I feel myself called upon to declare that my conduct has invariably been guided by the strictest integrity; but if, from the disclosure of the facts contained in this letter, or other cause, the smallest doubt should be entertained on this subject, I most particularly intreat, that the Honourable the Governor in Council will be pleased to take immediate measures for instituting the strictest investigation into all the circumstances of the present case, as well as into my general character and conduct, from the earliest period of my appointment to the situation I have now the honour to hold; and I would further suggest to the Honourable the Governor in Council, that some immediate measure be adopted, to ascertain exactly the extent of the corruption which is so evidently proved to have existed in the court. I am extremely sorry to say, that I believe it to have been general throughout the court and the zillah establishment, and I have therefore again to urge to the consideration of the Honourable the Governor in Council, that it be forthwith examined and inquired into.

I have the honour, &c. &c.

(Signed) A. WILSON,
Magistrate.

Zillah Court, Canara, 9th May 1813.

The following draft of a reply is read and approved:

To the Judge and Magistrate in the zillah of Canara.

SIR:

Your letters of the 1st, 4th, and 9th instant have been laid before his Excellency the Governor in Council, who views with deep concern the extensive system of flagrant corruption and iniquity on the part of the native servants acting under your authority which those letters disclose.

2. It is mortifying that all the endeavours in which the Governor has incessantly persevered during a course of years, for the purpose of protecting the people against violence and oppression, of securing to them the enjoyment of their rights and property, and of instilling into their minds just notions of the principles by which the British dominion over them is intended to be regulated, should, throughout a large and populous province, have been entirely frustrated by the schemes of two worthless individuals, intent only upon the acquisition of dishonest gains. The object of these men, putting its guilt out of view, was so despicable, as to enhance the regret to be felt for the sacrifice by which it has, for a time, been successfully attained.

3. This

* More has been discovered and is valuing, and very much more is expected.
(Signed) A. WILSON, Magistrate.

Madras Judicial Consultations, 21 May 1813.

3. This is an evil to which, from the number of natives unavoidably employed in offices of trust, all parts of the country must be exposed, and against which the most inflexible rectitude of character in the public officers placed at the head of the courts of justice, without judicious arrangements and a vigilant superintendence, will prove a very unavailing protection. The Governor in Council has it accordingly in contemplation, to call the attention of the different Judges and Magistrates to this particular point, after the nature and extent of the abuses practised by your native servants have been more precisely ascertained. The lesson of experience which you have just gained will, it is presumed, put you sufficiently on your guard for the future.

4. The impressions under which your letters appear to have been written, are considered by the Governor in Council as being highly creditable to your character; and the strong measures adopted by you, for the purpose of securing the persons and the property of the offenders, and of obtaining the most ample evidence of their guilt, would have removed all idea of collusion between you and them, even if any ground for such a suspicion had existed. No such suspicion has ever been entertained, and the Governor in Council is happy in having the opportunity of conveying to you the assurance that he reposes entire confidence in the integrity of your character.

5. The acquaintance with the subject under consideration which you have already acquired, joined to your zealous desire to conduct the investigation of it to a satisfactory result, seems to the Governor in Council to point you out as the fittest person to whom that investigation can be entrusted.

6. With regard to the dismissal of the offenders from their offices, and the legal proceedings to be instituted against them, you will be entirely guided by the provisions of the Regulations on those points, but will report all that may be done to the Governor in Council.

7. What most urgently demands your attention, is to prevent the authors of the detected abuses from making away with their ill-gotten wealth, or with any property honestly belonging to them, and to obtain possession of full and clear proof of all the abuses in which they have been concerned.

8. The conduct of Mr. Gahagan, on the present occasion, does honour to his discernment and public spirit, and has not failed to attract the particular notice of the Governor in Council.

9. The Governor in Council also approves of the zeal of Mr. Campbell, the Assistant Collector, in voluntarily affording you his aid in securing the property of the offenders.

I am, &c. &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George, 21st May 1813.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 15th June 1813.

Read the following letter from the Judge and Magistrate at Canara.

To the Secretary to Government in the Judicial Department, Fort St. George.

Madras Judicial Consultations, 15 June 1813.

Sir:

I have the honour to acknowledge the receipt of your letter, under date the 21st ultimo, and to submit to his Excellency the Governor in Council my most grateful thanks for the honourable opinion which he has been pleased to entertain towards me. With respect to the unhappy circumstances now under investigation, I have to communicate that, immediately on the receipt of the above letter, I considered it to be indispensably necessary to the

ultimate

Madras Judicial Consultations, 15 June 1813.

ultimate accomplishment of the purposes of these inquiries, to remove from present duty every person who has, in any direct way, had communication with the duties and process of the Court, and that I have accordingly suspended them all from their offices, without prejudice to their salaries, until the proceedings shall be terminated, having procured other assistants, through whom only I can hope to prosecute the investigation with proper safety and satisfaction. I know that I have received all the valuable information which the servants lately acting with me have been able to obtain; and I now remove them, because I have certain evidence that they are, one and all, more or less implicated in the late infamous delinquencies. I have further ordered all the Commissioners to repair to the zillah court, and I have published throughout the province a proclamation, giving every exhortation and confidence to the inhabitants to come forward and expose all past injustice, oppression, or wrong. Before I shew the indispensable necessity of these measures, I must acquaint his Excellency the Governor in Council of the various events that have transpired since the date of my last address, by submitting a short summary of the court's proceedings during this interval. The number of complaints then stated amounted to forty, and the charges which they set forth were chiefly of bribery, corruption, extortion, perverting the due administration of justice, and of one murder, with the concealment of the same. The amount of fees and other profits charged against the principal offenders was Star Pagodas 9,212 19 23, and the valuation of the property at that time in distraint was Star Pagodas 11,568 16 26. The number of complaints at present received amounts to one hundred and fifteen, and they extend to many other public servants, such as Commissioners, Vakeels, Darogahs, &c. The amount of fees and other profits charged against all these offenders, inclusive, is also increased to the amount of 62,800 Rupees; and I lament to add, that amidst these complaints are to be traced every kind of iniquity and persecution, which the most wicked tyranny or insatiate avarice could suggest. Such is the character of infamies that have been practised and assisted by the servants of a court of justice; and it is become impossible for me to continue to employ people to detect offences, in which they themselves have been principals or abettors. Hereafter I shall describe the true history of this most infamous and foul corruption, which has so long overwhelmed this ill-fated province with every species of the most vile and execrable injustice. It is now too manifest how inefficient all existing precautions are to secure the pure administration of justice, whilst the process of it shall be entrusted to minds who are never taught, and therefore cannot understand, the reciprocal obligations between probity and true honour. It shall, therefore, be my solemn care to propose, at the end of these inquiries, for the consideration of Government, every further precaution conceivable, to prevent the recurrence of evils so repugnant to the principles of British legislation, and to secure the true application of those laws which are designed for the happiness, comfort, and liberties of the people whom they govern. At present, I must confine myself to a general review of past occurrences, and I have, therefore, to state that, in the proclamation just published I have not failed to repeat the very satisfactory orders contained in your letter from his Excellency the Governor in Council, because it is certain that many persons, who have important secrets to disclose, have been restrained from so doing by the fear of future persecution from those against whom they have information. But now, when the people see and understand that all the late measures of this Court in their behalf have been happily approved and confirmed, and that Government have been pleased to direct the further and most earnest prosecution of the present inquiries, there can be no doubt that many things will yet be brought to light of the most essential importance to the public interests; I shall, therefore, continue to address his Excellency the Governor in Council on all particular matters which may at any time require a reference to that authority, not only that I may keep Government constantly and immediately acquainted with such occurrences, but that my own proceedings, in a matter of such infinite and paramount concern, may not be unduly protracted or interrupted. From the measures already adopted, I anticipate with confidence the most effectual and important results, which will tend to distribute throughout the province the utmost confidence amongst the people in the favourable intentions of Government, and the earnest endeavours of the Court

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Court for the firm establishment of their future securities? I feel well assured of the sanction of his Excellency the Governor in Council to any measure which I may adopt for the interests of so many thousands of people, who have long and patiently endured the cruel persecutions of the most hateful oppression, and which, though materially assisted and encouraged by their own infatuated credulity, cannot be the less abhorrent to a British Government. With these opinions I renew my assurances, that I will pursue, with the most ardent sincerity, our present inquiries, to the utter extermination of all past wrong; and I cannot but again express to his Excellency the Governor in Council, what grateful and proud consolation my mind has received, amidst the cares and disquietudes of this unhappy retrospect, from the kind assurance of confidence which he has been pleased to repose in me, the continuance of which I will leave nothing undone to deserve. In my last letter I attempted to do some justice to the conduct of Mr. Gahagan, and it was with extreme delight that I had since to communicate to him the favourable reply of his Excellency the Governor in Council. Mr. Gahagan requests of me to submit his respectful assurance, that his humble services shall at all times be most faithfully devoted to the public interests. All possible advantage has been derived, and must be further expected, from the support of this gentleman. His exertions continue unabated, and I should be more than unfortunate to fail in the present undertaking, when assisted by such truly valuable cooperation and advice, a due acknowledgment of which I know not how to record, or what return to offer him for his steadfast and indefatigable zeal. I have communicated to Mr. Campbell the favourable opinion of his Excellency the Governor in Council respecting that gentleman's assistance, and I am requested to express his grateful acknowledgments of the same. Mr. Campbell is yet at Sedashigur, and he has forwarded several complaints from that neighbourhood, affording sufficient proofs of his active exertions in the business on which he has been deputed. He has not discovered any thing very valuable on either of the estates of the two principal offenders, but I do not in any way despair of ultimately recovering all that is concealed. I have credible information of a very valuable box being somewhere hid, and I am trying all possible means to discover the place of its concealment. The property reported in my last is in the treasury of the Collector, Mr. Read, who very willingly received the same, and was further pleased to superintend the valuation and arrangement of it. I beg leave further to bring to the notice of his Excellency the Governor in Council, that I have requested of that gentleman to receive and adjust by arbitration a variety of petty complaints, which in this season of cultivation are daily arriving, and which chiefly relate to disputes to the right of village. Mr. Read immediately professed himself happy to assist the Court in this eventful crisis, and I therefore take the liberty to submit the conduct of this gentleman to the favourable notice of Government. I am at present employed in perusing and sorting the papers and accounts dug up in the gardens of the two principal offenders: amongst these I have discovered a supposed memorandum of what the valuable box already alluded to contains, and, as I have every hope of recovering it, I am happy to say, that in this alone will be obtained no less a sum than 15,000 rupees. I shall continue my inquiries daily, and will not fail to address his Excellency the Governor in Council upon all occasions wherein it may be necessary or advisable. I have commenced a regular trial of the late head Sheristadar, and have selected from the complaints against him, individually, one which charges him with having received 4,321 rupees from the merchants of Mangalore, for the promise of his influence to procure them permission to export rice after the late embargo had been placed thereon. I shall, of course, continue to receive all additional complaints from day to day, and have to report the several Commissioners having arrived, I have placed their persons under restraint, and shall proceed against them as soon as possible.

I have, &c.

(Signed) A. WILSON,
Judge and Magistrate.

Zillah Court, Canara, June 1813.

EXTRACT

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EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 13th July 1813.

READ the following letter from the Judge and Magistrate at Canara.

To the Secretary to Government, Fort St George.

SIR:

Madras Judicial Consultations, 13 July 1813.

Before proceeding further into the trials of the late infamous mal-practices of the native servants of this establishment, I have the honour to request that his Excellency the Governor in Council will be pleased to consider of the facts which I am about to state, that I may be honoured with some final orders, whether to try and condemn the two principals, submitting my proceedings to Government, or to prepare the several complaints for commitment before the circuit court. After the receipt of your letter, under date the 21st ultimo, I commenced a regular trial of the charges against the head Sheristadar, named Pootapah, and having finished five of the cases, I have now the honour to forward them,* with the following brief summary of their particulars.

No. 1 is a charge of a most serious nature, which is supported by such circumstantial proof, and accompanied by so feeble a defence, that Government cannot be at a loss what conclusion to make respecting the prisoner's guilt. The wife of Shelty Alva having fallen into a well and being drowned, the Tannahdar then stationed in the neighbourhood, together with the village people and relatives of the deceased, made the usual inquiries into the cause of her fate, and believing that her death was accidental, they caused the body to be burned. During my late absence from the court, this Pootapah instigated the brother of the deceased to complain against his brother-in-law, the widower, for the murder of his wife, in order that he (Pootapah) might have an opportunity of extorting a large sum of money from the said widower, who he supposed would gladly make any sacrifice rather than undergo the horror and disgrace attendant upon such a diabolical charge: and this wicked scheme is shewn to have been too successful; for the evidence proves that the widower, named Shelty Alva, has actually paid eight hundred rupees for his release on bail.

No. 2, although not so serious in point of turpitude, clearly evinces the unlimited ascendancy which the Sheristadar possessed over a class of people of all others the least likely to be influenced. The exportation of grain had been prohibited, as formerly reported to Government. The merchants entered into an agreement to deposit a quantity equal to what they might be allowed to export, and three of the principal people gave security that the quantity so deposited should be sufficient for home consumption. The petty merchants agreed to indemnify them for the risk they had incurred in becoming securety, and to export each according to the rate of his own responsibility: they further nominated one person, who was to inform himself that the terms of the agreement had been attended to by those wishing to export, and to procure my orders to the custom officers for the exportation of the grain, a measure which they had all requested might be adopted. These two agreements were entered into in my presence, and every one expressed himself satisfied. The evidence in this case will establish that the person fixed upon, by name Aunapoy, abused the powers with which he was invested, and actually refused to act the part he was called upon to do, until those who were desirous of exporting had previously paid him two pagodas per corge, which he had settled as the rate to be paid to the Sheristadar, Pootapah, and which is proved to have been received by this last person.

No. 3 likewise strongly exhibits the ascendancy of the Sheristadar; for the evidence establishes, that a sum of money was paid for the pretended influence of the Sheristadar in a civil suit, and that the person paying this sum of money, after various excuses on the part of the Sheristadar for continual failure in his promises, was prevailed upon to withdraw his suit, and thus to relinquish all hope of benefit from the sacrifices he had been induced to make.

* The trials are not in the collection. See Consultations, 1813, fol. 4481 and 4468.

Madras Judicial Consultations, 13 July 1813.

No. 4 affords another proof the rapacity and villainy of the Sheristadar. Veerasungiah had instituted several complaints in the zillah court, and, in order to procure the speedy adjustment of them, he was induced to pay a sum of money to the Sheristadar, who promised to comply with his wishes. Finding, however, that this payment had not secured to him the object in view, that his cases still remained unadjusted, and that the Sheristadar made a further demand for more money, Veerasungiah was induced to let him have several articles which he required at a price greatly inferior to their real value. The evidence establishes the payment of the money and delivery of the articles.

No. 5 particularly evinces the base, wicked, and sinful character of the Sheristadar, and the low cunning by which he affected his execrable purposes. From the evidence in this case it appears, that the open audacity which usually marked this man's proceedings was, in the present instance, laid aside for artifice and dissimulation, to induce the plaintiff in a civil suit to become the purchaser of his good-will. The plaintiff was represented as having solicited the Sheristadar's influence, and as having offered twice as large a sum for it, as that which he (the Sheristadar) then tendered it to defendant. This design appears to have been but too successful, as the evidence establishes that the payments were actually made. The examination of this suit commenced when the Sheristadar was at large, and two or three of the witnesses were induced, through dread of him, to withhold their evidence: the depositions taken at that time, and those now forwarded, will consequently be found to differ, a circumstance eagerly adverted to by the Sheristadar, and on which his assertions of innocence appear chiefly to depend. This variation in the evidence, arising as it undoubtedly does from the dread in which the witnesses stood of the Sheristadar while yet at liberty, is so far from forming any just ground on which to rest a plea of innocence, that, on the contrary, it will be found to afford a reasonable presumption of his guilt, as it clearly proves the existence of a most pernicious influence, which could only have been acquired by the most wicked means, and must have been very constantly exerted to have become so general and extensive as to have affected two or three witnesses in one cause. Such is the nature of the complaints already investigated, and the proceedings which accompany will enable his Excellency the Governor in Council to judge of the uncommon degree of guilt which attaches to the Sheristadar. I shall proceed on the inquiry during the interval of this reference, which, I trust, will be as short as possible. There are so many complaints, and all or most of the charges set forth do so greatly exceed in their nature and circumstances the offences generally provided for in the Regulations, that I am really at a loss what to suggest, wishing, as I necessarily do, that all due respect and observance be paid to them when possible; I have, therefore, merely to call to the most serious attention of Government, that the facts stated and disclosed against these two principal delinquents have been so extravagantly wicked, and audacious, and wrongful, both to the public and private security, so subversive of public justice, and so destructive of the rights, liberties, and well-being of society, that I know not well what method to pursue, what punishment to suggest, or what remedy to propose. The pleaders, Commissioners, and other accomplices, with exception of two or three, will be sufficiently punished by dismissal for ever from the service of Government, the effects of which cannot fail to be very beneficial, both as adequate punishment to the offenders, and as strong example to the native community, from which the native servants of the courts of justice will in future be deterred from attempting the like infamous practices. If it shall please his Excellency the Governor in Council to direct that all the complaints now preferred may be proceeded upon for regular commitment before the ensuing court of circuit, I request to be honoured with early orders to this effect; for the circumstances of the present inquiries are so extensive and so serious, and they involve so many interesting matters for public discussion, that I wish to proceed to the end of them all with every possible facility, that I may be the more steadfastly employed in devising means to obtain and secure the most complete and effectual reform. I am induced to urge this subject to the particular notice of Government, from the overwhelming and continuous mass of infamous corruption, extortion, and violence, that is charged against these principals and their accomplices; and I must take the liberty

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to remark, that if some authority be not granted to arrange and conduct these matters, otherwise than by the forms prescribed in the Regulations for ordinary cases, the court cannot hope to re-open for some months, or to apply its present discoveries to the future full benefit either of itself or of the courts in general. It may not be amiss to remark in this place, that part of the property already seized being of a perishable kind, such as clothes, linen, shawls, &c., I beg leave to have authority to dispose of them, for the benefit of those who may hereafter establish demands against the offenders.

Madras Judicial Consultations, 13 July 1813.

I await the final orders of his Excellency the Governor in Council, and trust no time will be lost in transmitting them to me, as the circuit court have already publicly announced their intention of holding a sessions early in the next month.

I have, &c.

(Signed) A. WILSON,
Judge and Magistrate.

Zillah Court, Canara,
17th June 1813.

The following draft of a reply is read and approved.

To the Judge and Magistrate in the zillah of Canara.

SIR:

In my letter of the 21st of May last you were desired, with regard to your proceedings against your ministerial officers, to be entirely guided by the provisions of the Regulations, and his Excellency the Governor in Council conceived that, while these were the only instructions on this point which it was competent for him to give or for you to obey, the several clauses of Section 12, Regulation XII, A. D. 1802, formed a complete rule for your conduct, and would preclude the necessity of any further reference to him, until you were prepared to submit a final report, at least on some of the cases which in due course would come under investigation. It appears, however, from your letter of the 17th ultimo, that in the steps which up to that time had been taken, you have not attended to the instructions furnished to you, in as far as the charges preferred against the ministerial officers of your court have not been considered as *civil actions*, and that, for the purpose of bringing the offenders to punishment, you are desirous of being allowed to adopt further measures which are not warranted by the Regulations. Although it does not belong to the Government to point out to its judicial officers the course of proceeding which the Regulations prescribe, I am directed to observe to you, that the Regulations cannot, by any judicial officer, under any sanction of Government, be either set at nought or perverted, even to answer a good end, and that, therefore, the course of proceeding prescribed by them is the only course which you are at liberty to pursue.

2. As you have not explained the nature of the authority you are desirous of obtaining, to arrange and conduct the matters to which your letter relates, otherwise than by the forms prescribed in the Regulations, the Governor in Council is unable to form a judgment regarding the practicability and propriety of granting it.

3. The Governor in Council authorizes you to sell to the best advantage the property of a perishable kind which has been seized by you, for the purpose of meeting the claims which may be established against your ministerial officers, and to place the proceeds of the sale in deposit.

4. I am directed to repeat the desire of the Governor in Council to be furnished with the fullest information regarding the misconduct of your ministerial officers, and the proceedings instituted against them.

I am, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George, 13th July 1813.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 10th August 1813.

READ the following letter from the Judge and Magistrate at Canara.

To the Secretary to Government, Fort St. George.

SIR:

Madras Judicial Consultations, 10 Aug. 1813.

I have the honour to acknowledge, with all possible dispatch, the receipt of your letter, under date the 13th instant, stating that the proceedings of this court against the ministerial officers and others belonging to its establishment were, by your former letter of 21st May, directed to be conducted according to the provisions of the Regulations, which would be found to contain complete rules for my guidance. The reference which I thought it my duty to make on the 17th, appears, as I am much concerned to think, from the letter to which I have now the honour to reply, to have been on this account deemed by his Excellency the Governor in Council either inexpedient or premature; it is necessary, therefore, that I should state particularly the reasons why I have been obliged to consider the present matter before the court entirely unprovided for by the Regulations, and to explain the nature of the process to be adopted, which, as a faithful servant, vested with the sacred charge of the public interests of the Government, and the liberties of many thousands of its subjects, I have thought it my indispensable duty to recommend. To do this satisfactorily, I must beg leave to set forth in one concise view the measures which have hitherto been pursued, the communications of Government respecting them, and the particular nature of the subject under consideration. Immediately on receipt of information against the native officers of the court, I placed the two principal persons accused under restraint, and I reported the same to Government, under date the 1st of May. Shortly after the dispatch of this letter, and in consequence of much additional information, and the discovery of considerable property in money and effects concealed by them under ground, all tending to establish their guilt and the truth of the charges against them, as the chiefs and instigators of high public wrongs and misdemeanors, I was compelled to resort without delay to the most decisive measures, more particularly as the prevention and punishment of the atrocities charged against them did not appear to me to be any where contemplated or provided for in the Regulations. The express purport and intent of Regulation XII, 1802, appearing, as set forth in the preamble, to be exclusively confined to the appointment of the ministerial officers of the court, the allotment of their several duties, and the manner of receiving and trying complaints of partial corruption and extortion against them, not to extensive and pernicious malpractices, subversive of the public rights of the community, for the preservation of which the zillah courts and all their servants are expressly appointed, and to which end these very offenders had been especially sworn. With this idea, I concluded that the proper and only prosecution of these flagrant offenders would be by that Government whose subjects they had wronged, and whose laws they had impiously subverted; I therefore proceeded to shew to the people that their *collective* rights were secured to them (by other than the common formalities prescribed for the regulation of their own *individual and private* circumstances of life), by placing their chief oppressors in irons, and sending them with ignominy to the common jail. This measure was immediately reported, under date the 4th of May, and it is to be remarked that, on that occasion, and after this very circumstance, never resorted to or directed by the Regulation for *civil* process, I requested permission to continue my proceedings. On the 9th of the same month, and in order that I might afford to Government an idea of the *uncommon* and *peculiar* nature of these transactions, I wrote them a general report of their extent and circumstances, into which I was by every possible labour attempting to inquire. In that letter I submitted to Government, that every day's experience justified more and more the measures which had been adopted against the parties accused, whose malpractices were at that time sufficiently proved to have been more serious and extensive than could be well conceived or described, and that I might, as well as the limits

limits of a letter would allow me, further shew to Government, how *impossible it was that indemnity could be obtained to the unhappy sufferers for their past distresses.* I gave a brief abstract of the nature of the charges set forth by them against their abandoned oppressors, describing generally how every public and private right had been violated and perverted; in short, I did not omit the mention of any thing which I thought likely to inform the Government of the peculiar nature of those charges; and although it was not positively expressed, yet I certainly did intend to declare myself to be in consequence acting up to their particular nature and emergency, and I flattered myself that the same would be fully approved and thoroughly understood. When in the reply of his Excellency the Governor in Council it was happily found that all my proceedings had met with the entire approbation of that authority, I considered myself, as well from the general tenour of that communication, as from the peculiar circumstances to which it referred, to be authorized to proceed in whatever course appeared to me most likely to conduce to the effectual discovery of all past wrongs, and to the most exemplary punishment of the offenders. When I saw, too, in that letter, that his Excellency the Governor in Council had it in contemplation to call the attention of the different Judges and Magistrates to this subject, after the nature and extent of the abuses practised by the native servants of this court had been more precisely ascertained, I was more than ever induced to conclude that my original opinions were correct, and I felt myself urged by principles of public and private duty to persevere in this line of conduct, which seemed the only course likely to ensure to Government the most complete development of the past infamies, and from which exposure they could not fail to see the necessity of applying this experience, to devise every possible precaution by which the recurrence of abuses so subversive of, and destructive to the paramount interests of their public institutions might be for ever prevented. With these impressions I again addressed the Government, under date the 17th of June, submitting a final report of five of the cases which had come under my investigation, and explaining to his Excellency the Governor in Council the cause of that reference, and submitting the cases which accompanied it, for the purpose of shewing, in a conclusive point of view, that the matters under inquiry were not in their nature or extent either contemplated or provided for in the present Regulations; at the same time informing Government, that I had of myself removed the native servants of the court from their duties, as they were all, more or less, implicated; that I had ordered all the Commissioners to repair to the zillah court, and that I had finally proclaimed to the people these glad tidings, to give them confidence to come forth and assist the court in vindicating and restoring their injured rights; that the complaints had in consequence increased, and that their general nature was not only bribery and corruption, but every kind of public and private wrongs; and I further remarked, that the people would now no longer fear the influence and prosecution of their hated oppressors, for that they now would find that all the measures of this court in their behalf had been happily approved by Government, who had directed the further and most earnest prosecution of the court's proceedings. Having thus attempted to shew, for the information, and I trust to the satisfaction of Government, that I have not unnecessarily delayed, or pusillanimously hesitated in my duty throughout the late occurrences, I must beg permission, in reply to the observations contained in your letter, to assure his Excellency the Governor in Council, that I am not only fully aware that the Regulations cannot, or ought not to be perverted, even to answer a good end, but that I feel myself implicitly bound to abide by them in every case to which they can possibly be applied. The application of this important truth has always, I hope, been observed by me, through a long experience of its necessity and its propriety, during a period of nearly nine years public service in the Judicial department; and here, I trust, it may be permitted me to observe, that I have at all times most conscientiously endeavoured to abide by the obligations of my oath of office, respecting these very essential parts of my duty as a Judge and Magistrate. I have therefore to explain my reasons for not having, in the present instance, considered myself justified, consistently with my duty as prescribed by this very oath, to treat the charges against the ministerial officers of this court as civil actions. In my letter of the 1st of May it was particularly stated, that

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that the complaints already received were not preferred by the persons who were said to have given the bribes, but by others, who declared themselves acquainted with all the circumstances, and who were then engaged in producing the necessary proof against the parties. In a *civil action*, the person who has given the bribe institutes the suit, and brings proof to the payment and receipt of the same. The party accused remains at large during the trial, and if the corruption be proved against him he has merely to refund the amount, and pay three times the sum as a fine to Government. Thus the Regulations appear to provide solely for cases of partial corruption, the penalties of which are fines, and probable dismissal from office. In the present cases, however, the parties who paid the bribes have not come forward to prosecute, and it is from the exertion of the court alone that the infamies of its servants have been detected and exposed, to effect which it was found indispensably necessary to put the prosecution into the hands of the Government pleader. This, and my other proceedings against the parties, were considered by me rather preparatory to their conviction and punishment, than any regular or prescribed mode of proceeding against them; and when I had received the evidence upon five separate charges against the two principal delinquents, I lost no time in submitting them for the information and consideration of Government, continuing daily my inquiries during this reference, and in which I had prepared, previous to the receipt of your last letter, for ultimate trial, ninety additional complaints. With respect to my proceedings towards the parties themselves, I have to submit, that if I had not quickly secured their persons, and proceeded with all practicable dispatch to obtain and record the evidence on the different prosecutions against them, it would have been utterly impossible to have proved the same; for their general influence was, and *still is*, so excessive and unaccountable, and their cunning and intrigue had been so long and so *successfully* practised, that every effort and exertion, both on the part of Government and this court, to establish and punish their guilt, would have been rendered abortive: an instance of the probability of which is most conclusively illustrated in the evidence already delivered by some of the witnesses in case No. 5, which I had the honour to advert to in my last letter, wherein the witnesses on the part of the prosecution deposed to their entire ignorance of events which these very witnesses had principally conducted, and to which they have since confessed, alleging as the reason of their falsehood, that their fear and dread of the persons accused, whom only the matters concerned, had deterred them from stating the truth. Here, then, is one of the many and distressing proofs of the infatuated credulity which has so long assisted, encouraged, and *fed* the wicked oppressions and insatiate avarice of these more wicked and insatiate men: I therefore most earnestly beseech his Excellency the Governor in Council to deduce from it a reasonable pretext for this long letter; and I intreat that all which I am now so earnestly proposing to their consideration may be at least imputed to an honest desire, on my part, to serve them with efficiency and honour, and that I may the more fully expose and bring to notice the peculiar disposition of these people, who have for so long a time endured the persecution of two worthless and unprincipled men. Let me now bring to reflection what is their nature and character, under the fervent hope that such representation will bring for them that support and particular interference on behalf of their sovereign rulers, to which their humble spirit and patient endurance of all evil seem so strongly and irresistibly to entitle them. While it appeared, from the measures of the court, that Government had been the mediators of the people, and had determined to resent and punish the audacious oppressions of their servants, who had impiously misapplied opportunities and occasions of assisting and promoting their welfare, by a faithful discharge of their public duties, to infamous and wicked projects of private ambition, the people of course became emboldened to state their grievances, and did in consequence supply the courts with abundance of information against their persecutors. But when it is considered how much danger, expense, and uncertainty, will attend the institution of *civil actions* against those men, who, knowing the evil consequences that will result to them from a successful issue of the suits against them, will certainly exert every endeavour to suborn, by any means, however hazardous and desperate, all descriptions of evidence, in order to falsify the same, it is not to be won-

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dered at, that this persecuted and disappointed people should quietly submit to what they had already given up, rather than run the risk and peril of the many penalties resulting from the failure of their suits, such as heavy costs, and an ultimate prosecution for excessive damages; and I must here explicitly state, that many of the persons who have to this time brought charges against these servants, could not be persuaded to come forward, until they were assured of security from all evil consequences, by the apprehension and confinement of the parties; and even now, if their liberation be insisted upon, this confidence, which is already very much diminished by the release of their associates, whom I could not venture to detain after the receipt of your last letter, will be entirely suppressed. There are, indeed, amongst the many charges against these people, some which of themselves might be considered as civil suits. But how shall we apply the process of civil law to their many public wrongs and injuries, the general complexion of which may be conceived from the following instance of a misprision of felony, wherein the head native ministerial officers effected by their own direct interference, aided, of course, by the influence derived from their official situations, the concealment of a murder perpetrated by one of their brothers, and with all the circumstances of which they were *thoroughly acquainted.* This will serve as an instance by which to judge of the general nature of the system of oppression, tyranny, and corruption, which has so long pervaded this distressed province; and if, amidst the perplexities which must in some way or other attend the detection and exposure of such villainies, I have passed from the usual way of procedure to one less common, or altogether strange, I must appeal for my excuse to that authority on whose account I have strayed. I trust, therefore, most implicitly to his Excellency the Governor in Council, that he will impute my proceedings throughout these matters to a most scupulous attention to the import and obligation of my oath, which obliges me, where no specific rule applies, to be guided by the dictates of equity and good conscience. I do not, however, permit myself to disregard the orders of his Excellency the Governor in Council, and I have, in consequence, announced to the complainants that the charges against the ministerial servants are about to be received as civil suits only, and that they would be proceeded upon agreeably to the provisions of Regulation XII. A. D. 1802. I have taken off the fetters of the principal offenders, but I have continued their persons under restraint, from the conviction that they would abscond the moment that they were set at large, rather than await the issue of the many civil suits and other complaints likely to be instituted against them. I consider this detention as a measure of the most imperious necessity, on which, indeed, the successful termination of the present inquiries will be found altogether to depend: and lest this measure should be disapproved, it is my duty to point out, with all due respect, the effects which, from my local residence and knowledge of the past, I plainly perceive will inevitably follow their liberation. First, the principal offenders will abscond; or if they should venture to remain, they will leave no means untried to corrupt and falsify every prosecution against them. Secondly, the parties will be deterred, through fear, from coming forward; and thirdly, the principals in evidence will withdraw themselves. In short, an enquiry commenced, and until now prosecuted with the most promising hopes of success, will become suddenly enveloped with every difficulty and doubt, and I fear rendered altogether futile, by the successful machinations of unprincipled villains, and the lamentable credulity of the unfortunate sufferers, of which we have already had the most conclusive and unhappy proofs. I beg once more to assure his Excellency the Governor in Council, that my whole time and thoughts have been unremittingly employed in the examination of these matters, from the period of my last reference to the present moment, and that I had, by these means, prepared ninety cases for delivery to the circuit court, under the conviction that Government would have authorized a reference to that or some special tribunal. I cannot conclude without solemnly disclaiming, throughout the whole of my proceedings, any the most distant intention of resistance to legal authority. The sole object of my earnest desires and labours has been to ensure to the Government every possible advantage from the present discoveries, by which the zillah courts might henceforth secure to themselves the due administration of the public duties belonging to all of their servants, and that the example afforded to them by the just punishment

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ment of the present delinquences, should serve to them as a perpetual warning of the sure and dreadful fate that awaits any dereliction of the duties committed to their charge, for the security and welfare of the native community. The means now proposed to effect this object have been suggested by a conscientious regard to the sacred obligation by which I am bound; and having thus attempted to acquit myself faithfully of the sacred trusts committed to my charge, it remains for me merely to obey implicitly the orders of my superiors, and to exert every faculty to give these orders both vigour and effect: I shall, therefore, continue to devote my whole attention to the present inquiries, and shall from time to time, as the civil proceedings on the different cases are closed, transmit for the final orders of Government the whole of the information which I may be able to acquire. The purpose of the present address is, I trust, satisfactorily explained, and I submit the observations which it contains as the result of my own immediate acquaintance with the events, circumstances, and persons to which it relates; and if, from my treatment of things so unforeseen and unprovided for, some little irregularity be any where perceptible, it will, I trust, be found to be less objectionable and more remediable, than the evil consequences which must have resulted from an indiscriminate observance of forms not apparently suited to present emergencies: and I must once more bring to notice, that while I considered it would be the chief object and wish of Government to avail itself of the discoveries in this court to the future advantage of all *its judicial establishments*, I naturally pursued *those measures* only which were the most likely to promote and effect this purpose; so that, above all things, these native servants might learn and remember the inevitable fate which threatens all mal-administration of their offices, and that the Government and the courts might devise particular rules and regulations for every detail and process of their institutions, by which precautions and securities the true and faithful administration of justice would be for ever established.

I have, &c.

(Signed) ALEXR. WILSON,
Judge and Magistrate.

Zillah Court, Canara,
26th July 1813.

The following draft of a reply is read and approved:

To the Judge and Magistrate in the Zillah of Canara.

SIR:

Par. 1. I am directed to acknowledge the receipt of your letter of the 26th ultimo, in which the Governor in Council finds no new matter, requiring instructions different from those with which you have already been furnished.

2. His Excellency in Council has all along participated largely in your sentiments of regret at the corruptions which have unfortunately been suffered to prevail to so great an extent in your zillah, and his most earnest desire has been, that the discovery of them should be converted into the means of guarding against the future occurrence of the same pernicious practices. Under these impressions, his Excellency in Council commended the spirit in which your investigation of those abuses was undertaken, exhorted you to prosecute it with activity, and desired that all your proceedings connected with it might be reported for his information.

3. The only instructions furnished to you, with respect to the mode of conducting your proceedings, have been, that you should abide by the course laid down in the Regulations for your guidance. How such instructions (which your oath of office and the dictates of your duty were sufficient to render superfluous, and which were furnished only in consequence of your express application) should have come upon you unexpectedly, and have compelled you to alter the course in which you had previously deemed it proper to proceed, the Governor in Council is at a loss to understand. These, as was before stated to you,

you, seem to be the only instructions which it was competent either for the Governor in Council to issue, or for you to obey; and it does not appear in what manner they can possibly produce any consequences, not inseparable from the existing state of the law and rights of the parties concerned. That the parties have rights, however criminal their conduct may have been, is unquestionable; and that the law (whether its particular provisions on this head be expedient or otherwise), should enable them to maintain their rights, is a point of greater importance than that the offences with which they are charged should meet with complete detection and adequate punishment. You cannot but be aware, that the erroneous instructions of your superiors would not secure impunity to you for any breach of those Regulations, of which the parties are entitled to require your punctual observance.

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4. If the provisions of the Regulations are found to be improper or defective, they are open to be revised and amended; but while they stand, they are paramount to all other authority, in as far as concerns the duty of a Judge, and the privileges of the people subject to his jurisdiction.

5. You contend that the Regulation which provides for the trial of partial corruption and extortion is not applicable "to extensive and pernicious mal-"practices, subversive of the public rights of the community;" but the Governor in Council is unable to discover any colour of reason for depriving, in any case, the accused of the protection of the laws, merely on account of the aggravated nature of the offence laid to his charge, and conceives that the admission of such a principle would inevitably lead to the most gross and manifest injustice. In framing the Regulation in question, it may have been presumed that the ministerial officers of the courts could never be charged with more than partial acts of corruption and extortion, under the belief that the vigilant superintendence of their superiors would entirely preclude both the practicability and the suspicion of their being guilty of a more general system of abuse; but if, from any cause, this presumption has proved erroneous, acts of corruption and extortion are still to be investigated, and the authors of them to be punished only in the manner which, under an erroneous presumption, the Regulations have prescribed.

6. The Governor in Council apprehends, that whatever might be urged on the score of expediency, or in deference to the orders of Government, the court of circuit, under the present provisions of the Regulations, could not entertain any suit against your ministerial officers for acts of corruption and extortion, and that it therefore would answer no good purpose to institute such a suit against them before that tribunal.

7. It may happen that the acts of extortion and corruption, laid to the charge of the ministerial officers of your court, may in some cases have merged in other offences cognizable by the court of circuit, and in such cases it will be your duty, under the Regulations and the instructions of Government, to prosecute the parties before that court. Acts of extortion and corruption cannot shield their authors against the punishment due to other crimes.

8. You express your intention of transmitting, for the "final orders of "Government," the whole of the information on the different cases which you may be able to acquire; and I am directed to observe that, in transmitting such information, you will act in conformity to the instructions already addressed to you. It is presumed, however, that by "final orders of Govern-"ment," you do not mean a decision of Government upon the evidence obtained in each case, since such a reference, on your part, and such an interference on the part of Government, are unwarranted by the Regulations, according to which your proceedings are to be guided.

I am, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George,
10th August 1813.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 13th August 1813.

READ the following letters from the Judge and Magistrate of Canara.

To the Secretary to Government, Fort St. George.

SIR:

Madras Judicial Consultations, 13 Aug. 1813.

I have the honour to forward, for the information of his Excellency the Governor in Council, a translation of a petition which was presented in court by Maudapah, one of the ministerial servants now under restraint. To enable his Excellency the Governor in Council to judge of the degree of credit to which this petition is entitled, and at the same time to prevent the necessity of further reference, I shall briefly describe the nature of the transaction to which it alludes. Having had occasion to remit some money to Bombay, this person procured from a native merchant the bills of exchange for the sums required. These bills were drawn in Bombay mohurs, a coin which bears a trifling higher value at Bombay than it does in this province, and the merchant was paid, as far as practicable, in the same coin. The mohurs, which were sometimes procured through the means of this man, were instantly paid for at the full price they invariably bore throughout the province, and these remittances, which ceased altogether fifteen months ago, were confined simply to the surplus of my monthly salary, of which the mohurs procured formed but a very small proportion. This is the whole of the transaction. I trust that it is unnecessary for me to assure his Excellency the Governor in Council, that the petition containing such a malevolent attack on my character is made up altogether of falsehood, or that I shall be at all times ready to explain every private transaction in which I have been concerned.

I have, &c.

(Signed) A. WILSON,
Judge and Magistrate.

Zillah Court, Canara,
3d August 1813.

To the Zillah Court of Canara.

The Petition of Maudapah, written on the 31st July 1813.

The Judge, Mr. Alexander Wilson, having called upon me to get money for him, under the pretence of procuring mohurs, I told him for one month that I would not engage in such transactions, and represented that the mohurs bore a price of fifteen rupees, and that they could not be procured even at that rate, and tried to excuse myself several times. I was urged three or four times every day to procure these mohurs, and ordered to get them from the pleaders at the rate of fourteen rupees each mohur. Being under his orders, and unable to resist, I borrowed money from different people, and purchased mohurs at fifteen rupees each: these mohurs were received by that gentleman at fourteen rupees each, and the amount was never paid me. I have many witnesses to this, and if another gentleman makes enquiry into this, I will inform him of all the particulars. The above gentleman, independent of these mohurs, has received from me other sums under various other pretences, amounting to thousands of rupees. I will produce these accounts. These rupees, which I have borrowed from other people, and other rupees due on petty accounts, have been falsely brought forward against me as bribes, which I am accused of having received. Pootapah informed Mr. Gahagan of all this in the presence of the doctor, and requested him to report these circumstances to Madras. I know not what Mr. Wilson and Mr. Gahagan have spoken together on the subject. I suffered much violence while confined in irons, and by ill treatment am reduced to a skeleton. The Company's Subidar, Jemedar, and havildars, are witnesses. I have been detained for three months in close confinement, and am very ill; therefore if I have made any mistakes in the facts

facts above related, or in the writing, I hope I shall be excused. A copy of this petition must be sent to the appeal court, as also to Madras. Independent of this I have a great deal to relate, but it must be done by word of mouth.

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(Signed) MAUDAPAH.

(True translation.)

(Signed) A. WILSON,
Judge and Magistrate.

To the Secretary to Government, Fort St. George.

SIR:

I have the honour to forward extract of an appeal petition from Pootapah, the head ministerial officer of this court, against a decree of the court in a civil suit, wherein he was cast to the amount of rupees 3,265, and wherein Shetty Alva is plaintiff, and who sues for the recovery of a bribe paid. I shall forward this appeal in due form to the appeal court, but have thought it my duty, in the mean time, to submit the accompanying extract of it to Government, because the subject does not relate to the cause appealed, and because it is obviously written by the defendant for the express purpose of impeaching my public character, now that he thinks it impossible that he can otherwise exculpate himself from the many charges and criminations pending against him. As I do not feel it necessary or incumbent upon me to take further notice of this contemptible production, I shall content myself with referring it to the consideration of his Excellency the Governor in Council, whose orders respecting it I shall of course be happy and prompt to obey.

I have the honour, &c.

(Signed) A. WILSON,
Magistrate.

Zillah Court, Canara,
5th August 1813.

Extract of an Appeal Petition from Pootapah.

The Judge confined the witnesses, Annapoy and Ramchundrabut, and several others, for three months, put a guard over their houses, frightened them by telling them that he would put them in irons, and send them to jail: all this he did to induce them to give false evidence, therefore Annapoy has deposed falsely. This I will prove before the appeal court. The court servant, Maudapah, and I were at enmity with each other, and upon the occasion of Maudapah's nephew being appointed a Commissioner, we had an open rupture before the Judge. The Judge (Mr. Wilson) called Maudapah and myself to his house, and told us not to quarrel, made us adjust our dispute amicably, and some days afterwards the Judge, knowing that gold mohurs were not to be procured for fifteen rupees each, ordered us to get them at fourteen rupees; and when we represented that they were not to be had, and that if we got them we should sustain a loss of one rupee per mohur, the Judge replied, that in so large a zillah, and amidst so many merchants, they must be procured, and constantly urged us to get them. We represented, that if any complaint came against us on this score, we should be ruined. The Judge replied, that he had settled the suit of Trimul Row and Venketrow, wherein they were accused of bribery, and that they had not lost their situations, and that if any complaints came against us he would nonsuit them, and that we must procure mohurs; we therefore, relying on this assurance, borrowed from merchants and others, and procured for the Judge from one to three hundred mohurs monthly, at fifteen rupees a mohur, and the Judge paid us at the rate of fourteen rupees a mohur. All this I will prove. Besides this, the Judge ordered us several times to borrow for him some rupees, and to procure for him cloth and other things. In consequence of these orders we

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we procured for him several thousand of rupees, and all kinds of things that he required, from merchants. These rupees have only been returned in part; and the Judge, aware that many people were still unpaid, put the merchants, to whom these sums were indebted, in confinement, in order to make them bring them forward as bribes, and after receiving Annapoy's evidence, has decreed the suits against me. In this way did the Judge (Mr. Wilson) allude to Trimul Row's decision, and assure us of his protection, and procured, through our means, many thousand of rupees: all which I will prove before the appeal court. Besides, there are many instances in which Mr. Wilson has violated the Regulations to promote his private ends, and this I will establish before the appeal court. In this way the Judge, aware that I was about to bring to light the orders he had given, and the sums he had thus acquired through us, conceived that if we were thrown into prison and put in irons, the whole of this would be concealed; and although I begged that the complaints against me for bribes might be decided in the civil court, according to the Regulation; that I offered, if necessary, to go to confinement, and to give up to the Cirkar the whole of my property; although I offered to give security, and begged that a decree might be passed agreeably to the Regulations, from which I might appeal if dissatisfied; although I urged all this to the Magistrate, he refused to hear it, broke through the Regulations, and received through Narnapah, a person who had twice committed irregularities, complaints against me, and without inquiry put me in irons, threw my brothers into prison, put a guard over my house, my women, and family, and went daily with the Register, Mr. Gahagan, a hundred prisoners and a hundred peons to my house, plundered it of all the things, and did not leave a single cloth for any of the children, but brought off every thing they could lay their hands upon. For fifteen days was my house dug up and my property plundered. Independent of this, the house of my father at Sedashigur, that of my brother at Hulgi, and that of another brother at Onore, were all plundered by Mr. Campbell, who was sent for the purpose. The houses at Sedashigur and Hulgi were dug up to the depth of three cubits. During this plunder the Judge got possession of three-fourths, and the Peons and prisoners the rest. All this violence I will prove. Last jetra bohul amavashi I was put in irons and confined. For some days I was deprived of food, that by these measures my death might be effected, and the acts of the Judge might be concealed. I told all this to the Register before two witnesses, but he would not listen to it, and I was deprived even of my allowance of water; but the justice of the Government ordered my irons to be taken off and my person to be released. My irons were removed, but I was remanded to prison. The Judge, aware that his reports to Madras would be proved false, confined those with whom I had some money concerns, in order to make them swear that such transactions arose in bribery and corruption, frightened them, and instructed them in the evidence they were to give against me (through the means of Nagapah, Narnapah and others), made them give false evidence, examined one, two, or three witnesses a day, and has passed an unjust decree against me. The Judge has plundered my property, my brother's property, and my father's also, and I know not what attempts he may make against my life, or what misrepresentations he may make to the appeal court or to Madras; therefore I have made this representation, as I am a servant of the Cirkar. It matters not if they take all my property or all the property of my family; but I know not what attempts may be made on my life, and I have therefore written thus fully. When this arzee is received by you, I care not what attempts are made on my life; but I have written this that the violence and injustice of the Judge of Canara should be known to the Sudder court and to the Governor in Council.

(A true extract)

(Signed) A. WILSON,
Magistrate.

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The following draft of a reply is read and approved:

To the Judge and Magistrate in the Zillah of Canara.

SIR:

I am directed to acknowledge the receipt of your letters, dated the 2d and 3d instant, with their several enclosures, and to inform you, that although his Excellency the Governor in Council considers every instance in which inferior public servants are employed to transact the private business of the officers of Government to be matter of regret, he nevertheless regards the allegations contained in the papers which you have transmitted, precisely in the same light in which they are represented by you, and reposes unshaken confidence in your integrity and honour.

Madras Judicial Consultations, 13 Aug. 1813.

I am, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George,
13th August 1813.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 27th August 1813.

READ the following letter from the Judge and Magistrate at Canara:

To the Secretary to Government, Fort St. George.

SIR:

I am very sorry to be under the necessity of stating, for the information of his Excellency the Governor in Council, that the friends and associates of Pootapah and Maudapah, the late ministerial officers of this court, now under confinement, have been busily employed, from the moment of their liberation (as reported in my last letter) to the present hour, in suppressing, by all possible means of promises and intimidation, the preferment of any civil actions against themselves and their two infamous patrons. It is with additional regret and mortification that I have further to bring to notice, that all my conjectures to this effect, as detailed in my last address, are now most amply verified. Previous to the receipt of your directions, "that these charges should be considered and tried as civil actions," and while all the principal offenders were under confinement, I had received one hundred and fifty-eight complaints against them, all of which, with perhaps one or two probable exceptions, were evidently very well founded. Of these one hundred and fifty-eight complaints, twenty only have, to this day, been received in the new form of civil actions; such is the lamentable effect of the intrigues, power, influence, and ascendancy, which these men and their confederates have so unhappily established throughout this zillah. The enclosed copy of a letter received from the Collector, will further testify how much is to be feared from the evil consequences likely to result from this dangerous influence, and seeing, as I do, the inevitable disappointment of all the hopes of Government, and of all the exertions of this court, if the present opinions and intrigues be allowed the least further dissemination, I have thought it my duty to circulate a proclamation to all parts of the province, encouraging the people to come forth with their complaints. I know, however, that I shall never induce many of them to brave the trouble and inconvenience resulting from the preferment of a civil suit: but I am resolved that no assistance or encouragement shall be wanting to them from this court, and yet, with more than due encouragement, the people will still withhold their suits. They say that they at first conceived that Government required proof only of the late delinquencies on the part of the court servants, and that they came forward merely to prove to Government and the court what had so long prevailed, looking only to partial benefit to themselves in the reco-

Madras Judicial Consultations, 27 Aug. 1813.

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very of the value which they had lost: but now that they are to prosecute and wade through subornation of perjury, the chance of being cast in fines, costs, damages, and appeal, they say that they had rather quietly endure the loss of what they have already parted with, than encounter all these evils, and the probable persecution of the principals, or some of their abettors, who they dread are to be let loose upon them once more. The conduct of the two principals is particularly deserving of notice. The two papers which I had lately the honour to submit to the consideration of Government will enable his Excellency the Governor in Council to form some opinion of the mischievous spirit which at present actuates these men: indeed, it is difficult to describe their various expedients to insult and bring into contempt the proceedings of the court, to intimidate, to perplex, and confound the opinions of their enemies, and to retard and prevent all process against them. They are contemptuous in court, they arraign my character to the guards about them, they proclaim their determination to appeal every single cause that shall be decided against them, and they cite witnesses from the most distant parts of the country. Two of their party have already gone to present petitions to the appeal court at Tellicherry, and the remainder are intent upon every possible mischief, to prevent the just and quiet process of justice at this place. I therefore think it my imperious duty to solicit the attention of his Excellency the Governor in Council to all these things, and further to request, that Government will be pleased to grant me authority to prosecute on their behalf, for the recovery of the fines denounced in the Regulations, all those cases of bribery originally preferred, and wherein the complainants, through fear or other cause, may now be inclined to demur in proceeding against the offenders by civil process; in which case the persons who first presented the complaints, and who are now fearful or distrustful of the consequences of proceeding, may be put aside as plaintiffs, and be summoned as evidences on the part of the Government. I shall, of course, exercise this authority discretionally, and wherever I find a person or persons disposed to appear themselves as plaintiffs, they will be permitted so to do. If his Excellency the Governor in Council should be pleased, upon consideration, to grant me this authority, and further grant me permission to continue the persons of the two principal delinquents under restraint, I have every possible satisfaction in looking forward to a speedy and most effectual termination to the present inquiries. I beg leave further to suggest, that all the property in money, effects, and land, seized and belonging to these men, be disposed of without further delay, in order that an exact amount of their means to defray the present and future claims against them may be properly ascertained; and as it is evident that these claims yet to be elicited, both on the part of Government and the people, will very much exceed the amount to be derived from the sale of their property, I take the liberty to recommend that, after the conclusion of the present inquiries, a general dividend be made of the sum total, and distributed at an apportioned rate amongst the respective claimants.

I have, &c.

(Signed) A. WILSON,
Judge and Magistrate.

Zillah Court, Canara,
9th August 1813.

To the Judge in Canara.

SIR:

I have the honour to forward you copy of a letter lately received from my Assistant, and shall be obliged by your stating your opinion as to the expediency of issuing a proclamation of the nature he requires; also, whether there is any impropriety in his having caused the surplus grain found in the houses of Pootapah and Maudapah to be sold.

I have, &c.

(Signed) A. READ,
Collector.

Mangalore, 7th August 1813.

To

To Alexander Read, Esq. Collector in Canara.

Madras Judicial Consultations, 27 Aug. 1813.

SIR:

In consequence of the report that the late Sheristadars of the court were about to be released from confinement, I understand that a general alarm prevails amongst the inhabitants in this part of the country, and more especially amongst them who have preferred complaints against the court servants. In order to encourage those persons who have already lodged complaints to prosecute them in the form of civil suits, it would be of much consequence if you yourself would issue, and prevail on the Judge to issue proclamations, assuring the people that these men never will be employed again in the service of Government, or have the power to injure them, and inviting those who have already given in complaints, and those who may still have them to prefer, to come forward and prosecute.

The Ankola Tehsildar having represented to me that the grain found in the houses of Pootapah and Maudapah was more than enough for the support of the families till the crop of the season was cut, I have directed the overplus to be disposed of, and the proceeds to be forwarded to the Treasury.

I have, &c.

(Signed) W. CAMPBELL,
Assistant Collector.

Onore, 4th August 1813.

The following draft of a reply is read and approved:

To the Judge and Magistrate in the Zillah of Canara.

SIR:

Par. 1. I am directed to acknowledge the receipt of your letter of the 9th instant, in which you request authority to continue under restraint the persons of your two late head ministerial servants, and to prosecute them for the fines to be eventually awarded to Government, in the cases of those complaints of bribery and corruption preferred against them, in which the parties complaining may decline to carry on the prosecution themselves. His Excellency the Governor in Council will entirely approve of the adoption of the proposed measures, or any others calculated to promote the ends of public justice, if they be warranted by the Regulations, and therefore has only again to desire that the most effectual legal steps may be taken for the accomplishment of the important object, to which your attention is at present so properly directed.

2. The Governor in Council conceives that all the property of the delinquents which may be forthcoming will be held ready to be employed in satisfaction of the decrees which the court may from time to time pass against them, unless the court itself should, in this respect, have regard to any similar complaints which may be pending, and that the Government has no authority to obstruct the process of the court, for the purpose of making, at last, a proportionate distribution of the property among all the parties in whose favour decrees may be passed. The Governor in Council will, however, be disposed to forego all claim to the fines adjudged to Government, till the whole of the prosecutors have obtained a restitution of their property from the delinquents.

I am, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George,
27th August 1813.

EXTRACT

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 31st August 1813.

READ the following letter from the Judge and Magistrate at Canarna :

To the Secretary to Government, Fort St. George.

SIR :

Madras Judicial Consultations, 31 Aug. 1813.

I have the honour to state, for the information of Government, that I yesterday solicited the sanction of the Sudder Adawlut for keeping open the court of this zillah during the ensuing vacation, and I have to apologize to his Excellency the Governor in Council for the apparent irregularity in this proceeding, which the pressure of business occasioned, and will I hope excuse. I have further the honour to acknowledge the receipt of your letter, under date the 10th instant, and to report, for the satisfaction of Government, that the inquiries in this court are proceeding with all reasonable facility and success. The parties under accusation use every effort to impede and protract them, by wantonly summoning distant and unnecessary evidences, and by intimidation to some and kind promises to others. I have been obliged to fine and imprison (by way of example, in the first instance of such interference) the brother of one of the principal offenders, against whom a complaint was preferred to this effect; and I have further to state, that both the principals are still in confinement, the necessity of which this very circumstance will sufficiently prove. Indeed, it would be difficult, under any terms, to grant them liberation, even if the consequences of such release could be previously ascertained, for the public and private demands against them do already exceed whatever their means could enable them to defray; so that the continuance of this restraint is, on every account, indispensable. I beg, nevertheless, explicitly to avow, that it has never been my wish to adopt or pursue any measure which contradicts or militates against the clear principles of those rights which are due by the law to every subject. It is, on the contrary, my most earnest desire to secure and apply them to such purpose, that whatever privilege the law bestows may be easily obtained and securely enjoyed : but it is, at the same time, my duty to see that these equitable privileges be not again wrested to the mischievous and infamous purposes of perverting and destroying the law itself. I have the honour, on this occasion, to assure his Excellency the Governor in Council of my strict attention and obedience to his instructions, as contained in your letters. All these subjects I shall have hereafter to detail ; in the mean time, I will not fail to apply my utmost diligence and attention, to secure to Government and the public every possible information and advantage that can be made to accrue from the present proceedings.

I have, &c.

(Signed) A. WILSON.
Judge and Magistrate.

Zillah Court, Canara,
20th August 1813.

Under the instructions already furnished to the Judge and Magistrate in the zillah of Canara, on the subject of the foregoing letter, it does not at present require any answer.

EXTRACT

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 4th January 1814.

READ the following letter from the Judge and Magistrate at Canara:

To the Secretary to Government, Fort St. George.

SIR:

I have now the honour to forward, for the information of his Excellency the Governor in Council, a statement* of the causes instituted against the head ministerial officers of this Court, and a detailed account of those suits which have been decided against them. Madras Judicial Consultations, 4 Jan. 1814.

1. The first cause which came on for trial was instituted by Shetty Alva, for the recovery of eight hundred rupees which the defendant, Pootapah, the Sheristadar of the Court, was charged with having received from plaintiff, for effecting his release on security from the Cutwall's choultry, where he had been confined three days on a charge of murder, which charge the defendant is also accused of having caused to be preferred. The evidence adduced in proof of the overtures made to defendant for plaintiff's release, and also of the payment of the sum claimed in this suit, is so clear and circumstantial, that I felt no hesitation in decreeing restitution of the amount, and payment of the fines denounced by the Regulation. The assertion, that defendant instigated the original complaint is not fully established: it is, however, rendered more than probable, by the declaration of the complainant, who was the brother of the deceased, and who affirmed, that although it was his original intention to proceed against the plaintiff at some future period, when he should have obtained proof of the murder, that he was induced to do so at this particular time, in consequence of orders which the defendant had sent to him, and of the threats held out in case of non-compliance. The death of the complainant's sister (for which the plaintiff was apprehended) occurred three years before, and the circumstances attending it were enquired into by the police officer on the spot, and reported at the time. The plaintiff was sent to court during the time I was absent on duty above the ghauts, and was released by the Register, who had been directed to set at large all prisoners sent in from the talooks on certain description of charges, provided that they could produce good and sufficient security for their appearance on my return. Fifteen witnesses, many of whom are relations of the deceased, and saw the body after her death, have lately been examined in support of the original charge; and it appearing that the deceased, who had been afflicted with a severe illness, had drowned herself in a fit of despair, and that there was no just reason for supposing the plaintiff implicated in the act, the complaint was considered altogether groundless, and the parties were accordingly dismissed.

2. The next cause decided was preferred by Gooroosidapah against Maudapah, the other head ministerial officer, and was instituted to recover one thousand rupees paid the defendant, as a bribe for the purpose of procuring for plaintiff a speedy inquiry into his suit, and an early dismissal from court, where he had attended to answer to a charge of having carried off and detained another person's wife. The defendant denied all knowledge of the transaction, but omitted to attend in person or by vakeel to make good his plea, although repeatedly called upon to do so. The officers sent to apprize him of the periods at which the inquiry was proceeding were treated with abuse, and the whole of his conduct was so contumelious that nothing remained but to proceed *ex parte*. The evidence adduced in support of this suit establishes, that the plaintiff was intimidated by defendant's telling him that the charge was of the most serious nature; so much so, that he could not be permitted to remain at large until the inquiry took place, but that he must be sent to the Cutwall's choultry, and detained there until the business was settled. The plaintiff, in order to extricate himself from these difficulties and to procure his dismissal from court, consented to pay the defendant one thousand rupees; and this sum is so clearly proved to have been delivered to the defendant, that I have adjudged it, as also the

* Omitted in the collection: see Consultations, 1814, fol. 173 to 197.

Madras Judicial Consultations, 4 Jan. 1814.

the fine against him. The original complaint in which this bribe was paid was adjusted amicably, and the circumstances which then occurred strongly evince the credulity of one party and the influence of the other. The plaintiff had paid a large sum of money to effect an object which appeared to him of the highest moment: he found himself disappointed in this object, and detained at Onore two months after the payment of the bribe, contrary to the positive assurances he had received, and in direct viol[illegible] of the conditions under which the bribe was paid. At the end of this [illegible] he had a conversation with me on the subject of his complaint, in which he [illegible]ed himself [illegible] satisfied with the adjustment. The person who comp[illegible] entered into, and signed the counterpart of the agreem[illegible] my presence, without complaining against the defendant, or mentioning a syllable which might lead to a suspicion that any imposition had been practised against him.

3. The next cause which came on for trial was preferred by Sheoobussapah against Maudapah, for the recovery of two hundred rupees, paid at two periods, one hundred for the purpose of procuring permission for some of plaintiff's people to return home, and another hundred for the purpose of expediting his own dismissal from court.

The plaintiff, his wife and sister, had been accused of having forcibly taken possession of a neighbour's property, and of having turned him out of his house: they were sent into Onore upon this complaint, and settled with the defendant for the payment of the sum claimed in order to expedite their departure. The defendant denied having received such sum; but, as in the latter cause, omitted to attend, although called upon to do so. He made his appearance in the middle of the trial, and conducted himself with such open violence, and interrupted the proceedings with such contumely, that I was obliged to turn him out of court, and proceed without him. The proof adduced establishes the payment from plaintiff to defendant of the sum claimed for the particular purpose set forth in the petition, and the amount, with the fine, was accordingly adjudged against the defendant. The defendant's brother is represented as having instigated the original complaint; and although proof of a positive nature is wanting on this head, there is reasonable cause for concluding the assertion to be true, both from the nature of the complaint, which was found to be litigious, and from the declaration of the person preferring it, who affirmed that he was urged by defendant's (Maudapah) brother to bring forward the charge. In the circumstances of this suit, which was brought on in due course, may be found another strong proof of the defendant's ascendancy. The bribes had been paid previous to the inquiry, which was conducted by me in the presence of the parties; and the vexatious nature of the suit, as also the malignity of the complainant, were so fully apparent, that I fined him, in order to deter others from similar conduct. This was an opportunity which it is natural to suppose would have struck the plaintiff as favourable for a disclosure of any illegal demands which had been made against him, and with which he had been, through dread or otherwise, induced to comply. He allowed it, however, to pass unnoticed, and chose to observe the most profound silence on a subject of such paramount consideration, although he had an instance before his eyes of my disposition to secure his interests against the slightest attacks of malice, and of my solicitude to punish abuse, even in matters of such comparatively trifling consequence.

4. The next cause decided was preferred by Antamshitty against Maudapah, for the recovery of four hundred rupees, given to defendant as a bribe for procuring the plaintiff's liberation on security.

The plaintiff was sent in on a charge of having caused the death of the complainant's brother, and represents that he paid the defendant the amount now claimed, in order to prevent his being confined in the Cutwall's choultry, until the inquiry into the complaint preferred against him could be commenced upon. The defendant in his answer denied the charge. He was ordered to attend, but neglecting to do so, the cause proceeded *ex parte*. On examining into the evidence adduced, it appeared that the plaintiff was sent into court one or two days before the defendant left Mangalore with me for the Soonda country; that he sent to defendant to arrange with him for his liberation on security, and that, pursuant to the agreement then made, four hundred rupees was the amount

amount which defendant was to receive for his good offices, which sum was accordingly paid him on the very night on which the plaintiff was released. Such is the evidence produced in this cause, the whole of which appeared so clear that judgment was pronounced in favour of plaintiff, and the usual penalties decreed against the defendant. It may be necessary here to remark, that some days previous to my leaving Mangalore for the upper country, aware of the improbability of my speedy return, and of the inconvenience to which many of those confined on charges which had not been examined into would necessarily be subjected if detained during my absence, I gave notice in court, that all prisoners, with the exception of those confined for crimes of a heinous nature, would be liberated until my return, provided they could produce security for their attendance at that period. At the same time I directed the defendant to ascertain who were able to produce this security, and to cause the attendance of the parties in court. This arrangement, which appeared so well calculated to relieve those who were confined from all the hardships of unnecessarily protracted imprisonment, and which (under the precautions detailed in a subsequent part of my letter) had obtained, with respect to petty suits, for some time previous, has been abused like many others, and converted into the means of enriching the head servants, at the expense of those for whose particular benefit it had been originally intended.

5. The next cause decided was instituted by Pursiby against Pootapah, for the recovery of six hundred rupees, paid for his assistance in a civil suit.

A civil suit had been preferred for the recovery of an estate, to which the plaintiff in the present suit was heiress, and under the apprehension that the cause would be decided contrary to her interests, she made application to the defendant to avert the danger with which she thought herself threatened. The evidence adduced in support of this suit establishes that application was made to the defendant, and that he informed the plaintiff that her adversary had offered one thousand two hundred rupees for his influence, but that she should have it provided she would pay six hundred rupees, for which sum the defendant engaged to get the cause settled to her satisfaction; that the above sum was accordingly paid the defendant, in three different payments of two hundred rupees each, and that the defendant, after such payment, urged the plaintiff to agree to an amicable adjustment, as the cause would inevitably go against her. The proof of the above payment to defendant of six hundred rupees, for the purpose set forth in the petition, was established by such circumstantial evidence, that restitution of the amount was decreed against defendant, as also the penalties denounced by the Regulation. Here is another instance of credulity, so gross in its nature as almost to confound belief. A tender is made the plaintiff, by a perfect stranger, of an influence which the possessor declared he could dispose of to her adversary for twice the sum he then demanded, and the plaintiff, instead of doubting the existence of an influence, proffered under circumstances of so equivocal a nature, assents to the proposal, and is duped into payment of the sum required. The object of the defendant was evidently to induce a belief that a competition actually existed for the possession of his good will: by this means he hoped to enhance the price of his assistance, which might otherwise have been held by plaintiff in less estimation, and would consequently be less productive than the defendant had promised himself, from the result of a scheme formed on the fullest knowledge of the character of those on whom it was to be practised, and justifying, therefore, all his expectations of success. These expectations appear to have been fully realized on one side, while the hopes of the other have terminated in disappointment and vexation. The suit on which the bribe was paid remains to this hour undecided; and the plaintiff has the mortification to reflect, that her interests have been impeded by those very means she made use of to ensure their advancement.

6. The next cause decided was instituted by Shankaba against Pootapah, for the recovery of two hundred rupees paid the defendant, in consequence of his having threatened to procure a decree against plaintiff, who was at this time sued in the civil court.

The evidence adduced establishes, that the plaintiff, under the supposition that the defendant was hostile to his interests, sent to him to solicit his assistance in a suit in which he (plaintiff) was then engaged, which assistance was promised

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promised by defendant for the consideration of two hundred rupees. The fact of defendant's having threatened plaintiff is not substantiated by positive proof, but the payment of two hundred rupees, for the purpose of procuring defendant's assistance in the suit, is so fully established, that the amount has been decreed against him with the usual fines. The original suit for which the bribe was paid was withdrawn by petition from the person who preferred it; consequently, the merits of the cause were not discussed before the court: the interests of the present plaintiff therefore have not be[illegible]moted by the payment to defendant of the sum for the recovery of which [illegible] was filed, and as the plaintiff appeared in court, and received notice of [illegible] ing of the suit, and a copy of the court's order on the subject, he had am[illegible] uity of setting forth his grievances and of obtaining redress.

7. The next suit decided was instituted by Shivapa against Maudapah, for the recovery of one thousand rupees, paid by plaintiff to prevent his uncle from being carried to Mangalore, on a charge of being concerned with the banditti who had infested the upper country.

The plaintiff in his petition sets forth, that his uncle was threatened by defendant, and that the payment was partly made in consequence of such threats. The evidence adduced does not fully support the plaintiff in [illegible] assertion: it however establishes, that payment of the sum claimed w[illegible] to defendant, for the purpose of procuring the dismissal of the [illegible]f's uncle, and the sum has therefore been awarded against the defenda[illegible] as also the fines denounced. The country above the ghauts had been frequently overrun with banditti, who emboldened by former success plundered the town of Sersi in December last, and murdered one of the revenue officers. I thought it necessary to proceed to the spot, and in my inquiries found strong reasons for suspecting that the plaintiff's uncle (an inhabitant of the Mysore country) had harboured the banditti, and had participated in the fruits of their predatory expeditions. I sent for him and detained him at the house of the head revenue officer, lest he should convey information of my arrival to the gang, and counteract my plans for their seizure, the success of which depended altogether upon the secrecy and dispatch with which they were executed. I detained him until my departure from the upper country, and finding that no positive proof of delinquency was forthcoming, I dismissed him, and addressed the resident of Mysore on the subject of his detention and of the suspicion I entertained of his guilt. It is necessary here to state, that the views of the plaintiff's uncle were in no manner forwarded by the transaction which forms the subject of the present suit; his detention was a measure of actual necessity, and his dismissal took place unsolicited by any person, when all hopes of procuring proof of his guilt had vanished, and when further restraint could no longer be justified by expediency, or attended with benefit to the cause on which I was engaged.

8. The next suit decided was instituted by Rachi, a dancing-girl, against Pootapah, for the recovery of Rupees 1,826 2, the amount of a bribe paid to the defendant for his assistance in procuring some property which had been sent to court by one of the Thannadars, as belonging to a person who had died intestate.

Property to a very considerable amount had been sent into court, and the plaintiff attended to set forth her claims. She presented a petition to this effect, and was ordered to attend and prove her right, and to produce security for the restitution of the property in question, in case any nearer claimant should appear: the security was given, the whole property delivered to her in my presence, and her receipt taken for the same. From the evidence adduced it appears that the plaintiff, previous to petitioning the court, applied to the defendant respecting these jewels, and that he demanded two-thirds of them as the price for his interference. The fact of the payment to defendant of part of the said property, valued at 1,280 rupees, being fully established, the amount was decreed against him, as also the penalty prescribed. The plaintiff remained at Onore for two or three months after the demand was first made by defendant, and refused to listen to his proposal. During this time she made no application to court, nor attempted in any manner to prosecute her claims: at length she was induced to comply with the defendant's demand, and agree-

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ably to the instructions she received from him at the final conclusion of the engagement, she appeared several times at court, conversed with me on the subject of these claims, but observed the most profound silence with respect to the extortion practised against her. This silence effectually prevented any interference in her behalf, and closed the only avenue which could lead to the discovery of the abuse and the punishment of the aggressor.

9. The next cause decided was instituted by Deooshitty against Pootapah, for the recovery of one hundred rupees given as a bribe to the defendant, for his interest in preventing the attendance of plaintiff at court.

The plaintiff had been summoned to court as an evidence in a suit then pending, and having been taken ill on the road, sent to the defendant, requesting that he would arrange so as to render attendance unnecessary, which defendant consented to do, on condition of plaintiff's paying him one hundred rupees. The evidence adduced establishes that this sum was paid to the defendant, and that he promised to procure the order in question: the amount was therefore decreed against defendant, as also the penalties laid down in the Regulation. The civil suit in which the plaintiff was summoned as a witness was not brought to a hearing before the court, but was adjusted amicably by the parties. Several of the witnesses who had been summoned had arrived at court, and were dismissed without being examined. In consequence of this adjustment, the plaintiff, whose name is in the list of witnesses summoned, did not make his appearance, and the witnesses depose that an order was issued by the court to dispense with his attendance: no such order is however to be found among the records.

10. The next cause decided was instituted by Ramkostnia against Pootapah, for the recovery of two hundred and eighty-three rupees, paid as a bribe to appease defendant, who had threatened to complain against the plaintiff and have him put into confinement, on a pretence that plaintiff had practised sorcery against him.

The evidence adduced in this suit establishes that the plaintiff was actually threatened in the manner therein described; that a demand of one thousand rupees, which was afterwards reduced to four hundred, was made by defendant, as the price of his assent to terms of accommodation and of his foregoing the execution of his threats; that two hundred and eighty three rupees, in part payment of this latter sum, was delivered to defendant, who at the time of receiving the amount declared himself reconciled to plaintiff, and renounced all enmity and ill-will: the sum claimed was therefore decreed against the defendant, as also the fines laid down in the Regulation. This is another case of credulity which can hardly be reconciled. The plaintiff, from the earliest institution of the court to the period at which the bribes were paid, was in the constant habit of attending the court, and had been a principal in no less than fourteen suits, two of which only were at this time pending. His acquaintance with the Regulations of Government, and the general mode of court proceedings, renders his silence in a matter of such aggravated rapacity altogether unaccountable, and would challenge belief, if it stood an insulated instance of the infatuation which has prevailed among the inhabitants of this zillah.

11. The next cause decided was instituted by Shankapashitty against Pootapah, for the recovery of two hundred and ten rupees, paid the defendant as a bribe to induce him to desist from demanding an estate, the property of the plaintiff, which was immediately adjoining to one held in mortgage by defendant.

The evidence adduced in this suit is faulty as to the demand of defendant: it establishes, however, that two hundred rupees were paid him, and that he at the time of receiving the amount promised that he would refrain from again demanding the estate in question. The amount claimed was decreed against the defendant, as also the fines laid down in the Regulation. This suit furnishes one of the most aggravated instances of oppression that has been brought before the court, and evinces the depravity of the defendant in as great a degree as any complaint which had been preferred against him. The plaintiff was altogether unconnected with any business before the court, was unfortunate in having an estate adjoining defendant's, to maintain himself in possession of

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of which he was obliged to make this sacrifice. His vicinity to Mangalore gave him every opportunity of representing his grievances, and his omitting to do so prevented that interference which his injuries so loudly demanded, and that commiseration which the cruelty of the case so forcibly bespoke.

12. The next suit was instituted by Boloo against Pootapah, to recover one hundred rupees, paid to defendant for his promise to befriend the plaintiff in a suit in which he was engaged with a neighbour, for damages sustained in consequence of the removal of one of the enclosures belonging to plaintiff's estate.

The complaint sets forth that the defendant, on being consulted by plaintiff, recommended that he should institute a suit against his neighbour for a larger sum than fifty rupees (the amount at which the plaintiff originally estimated his damages), and that the defendant promised to procure a favourable decision, provided that the plaintiff would institute his suit for five hundred rupees, and consent to pay him one hundred rupees. The evidence, although not altogether conclusive as to the recommendation of defendant, or the particular mode in which the assistance was to be afforded, establishes the payment of the amount; the sum claimed therefore has been awarded against defendant, as also the payment of the fines laid down in the Regulations. The suit for which the bribe was paid was instituted for the recovery of fifty rupees, and was not withdrawn, as defendant is said to have recommended, but remains still undecided, although the bribe was paid fifteen months ago. The plaintiff resided within a few miles of the court, and had every opportunity of disclosing the extortion, which he omitted to do, in the hope, no doubt, that he should subsequently derive considerable benefit from the transaction in question.

13. The next cause which came on for trial was instituted by a commissioner, by name Shamia, against Pootapah, for the recovery of one hundred rupees, given as a bribe for obtaining orders for the payment of some fees due to the plaintiff on causes decided by him.

The complaint sets forth that the bribe was paid for procuring the reference of petty suits for plaintiff's decision, and for obtaining orders for the payment of some fees due on causes he had decided. The evidence adduced in this suit does not fully establish that the defendant threw any impediment in the way of plaintiff's receiving, in common with other Commissioners, a regular supply of suits for decision: it proves, however, that defendant did prevent, by private orders he gave to the officer entrusted with the payment of Commissioners' fees, the delivery of the amount due to the plaintiff on account of suits he had decided, and for the payment of which an order had been given by the court; the amount claimed was therefore decreed against the defendant, as also the fines denounced. It is necessary here to state, that an order of the court is regularly passed every month for the payment of the Commissioners' fees, immediately on the receipt of their reports of causes decided in the preceding month, and that this order is deposited as a voucher for the payment of such fees. In the present instance it had been regularly issued to the proper officer, and was superseded by the private instructions of the Sheristadar.

14. The next cause was instituted by Bapoo against Pootapah, for the recovery of fifty rupees, given as a bribe for obtaining leave to depart from court, where the plaintiff had been summoned as a witness in a magisterial case, and to prevent his being again summoned as an evidence in a civil suit.

From the evidence adduced in this suit, it appears that the plaintiff, after having deposed in a case in which he was summoned, applied to the defendant for permission to depart; that the defendant told him that if he departed then he would be obliged to attend again, as his evidence was required in a civil suit, and that the plaintiff, in order to prevent his being called in such suit, paid defendant the sum of fifty rupees. The delivery of the amount to the order of defendant is fully proved, and the sum claimed, as also the fine denounced in the Regulation, was decreed against the defendant. Here is another instance of abject submission, which it is difficult to account for. The plaintiff had been summoned, had delivered his evidence, and received an order from the court to return home the very day on which the cause wherein he deposed was decided. The intimidation of the defendant rendered this order useless,

useless, and induced the plaintiff to remain at Onore several days after he had been furnished with it, although at this time he had not been named as a witness in another suit, and had not any business whatever before the court.

15. The next suit decided was instituted by Annapoy, one of the head merchants of Mangalore, against Pootapah, for the recovery of Rupees 2,260 paid to the defendant for his promise of procuring for the merchants an order to export their grain.

The evidence adduced in this suit is deficient as to the demand made by defendant. It establishes that plaintiff called upon the merchants, and that they entered into an agreement to deliver to defendant, through him, two pagodas for every corge of rice which they exported. Rupees 1,640 are proved to have been paid defendant by plaintiff on this account: the amount therefore was decreed against him, as also the fines. This suit stands conspicuous among all the cases which have been brought against these people, for the rapacious effrontery of one party and the blind infatuation of the other. The merchants of Mangalore were sent for by me, for the purpose of consulting on the practicability of withdrawing a prohibition which I had found it necessary to impose on the export of grain from this province, in consequence of an alarming scarcity which began to prevail; they accordingly attended, communicated their sentiments on the occasion, and urged their agreements in favour of the recal of these orders. This conversation, in which all the merchants of consequence joined, was carried on direct between them and myself, and led to an agreement that they should deposit for home consumption one morah of rice for every morah exported, and produce security, to the sum of twenty thousand rupees, that the markets of the province should be duly supplied for the remainder of the season, provided the prohibitory orders were removed. The ports were accordingly opened, the required security given by four of the head merchants, and a bond of indemnification taken by them from the inferior ones, to prevent any loss from the risk incurred. An arrangement was also entered into among themselves, that each should export according to the weight of responsibility he had consented to sustain; and to prevent collusion, the plaintiff (one of the principal and most opulent merchants of the place) was selected by the rest, to see that the conditions they had entered into among themselves were not violated, and to procure from me a particular order for every separate quantity they might wish to export. This order they expected would operate as a check against fraud; they requested, therefore, that I would consider it as indispensably necessary, before any rice could be allowed to leave the province, and that I would concert with the Collector of Customs for carrying the measure into immediate effect. The wishes of the merchants were attended to, and the plan they suggested immediately put into practice. The plaintiff, through whose application alone (according to the wishes of the whole body of merchants) the rice could possibly be exported, appears to have communicated to them the demands of defendant immediately on the final arrangement of the plan, and to have insisted on the payment of two pagodas per corge before he would apply for the required order. The merchants, rather than lose the opportunity which then offered of a favourable sale for their rice, agreed to this payment, to which they were most probably induced to yield their consent from the example set them by plaintiff, and his own ready compliance with the imposition. I know not how to account for this extraordinary act of folly. The defendant had no part whatever, either in the order of prohibition, which was issued by me, on the reports of my Register, when I was above the Ghauts, or on the recal of this order, which took place entirely on the representation of the merchants communicated direct to me. On my return to Mangalore, I met and consulted with the whole body of them several times before any final arrangement was determined upon, and afforded them every opportunity of communicating their sentiments and stating their objections. These interviews were more than sufficient to convince them of my desire to consult their interest, and secure them against impositions of every nature. Their perfect silence in a matter of such consequence is the more remarkable, when it is considered that their opulence and respectability gave them a distinction in society which few other natives enjoyed, and placed them beyond the reach of any

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any machinations, which a disclosure of defendant's villanies or resistance to his demands might possibly have brought upon others of inferior station.

16. The next cause decided was instituted by Manjaurey against Pootapah, for the recovery of nine hundred and seventy-five rupees, one hundred and thirty-one of which were paid as a bribe to prevent his attendance at court as a witness, and eight hundred and forty-four rupees, value of ten corges of rice, extorted by defendant.

The evidence adduced establishes that the plaintiff was summoned as a witness in a civil suit, and that being ill he sent a bribe of sixty rupees to defendant to prevent attendance at court, which sum is proved to have been paid. The evidence further establishes, that the defendant procured from plaintiff, by means of intimidation, ten corges of rice, the produce of an estate which plaintiff held in mortgage. The proof on both these points was so clear, that the amount was decreed against defendant, as also the fines denounced. The cause on which the plaintiff was summoned as an evidence was settled by amicable adjustment, and an order was immediately sent to the witnesses (as is customary on all such occasions), informing them of the circumstance, and dispensing with their attendance. An order had been sent to prevent the attendance of the plaintiff previous to this adjustment, in consequence of an application having been made to court by the party at whose instance he had been summoned, stating his inability, from ill health, to attend, and requesting that his presence might be dispensed with. This was the order alluded to in the complaint, and which the defendant might have had art enough to make appear as having been obtained through his influence. The circumstances attending the demand and delivery of the rice are marked with features of cruelty and oppression, almost unexampled, even in the course of villany in which defendant was engaged. The plaintiff had an estate which he had received on mortgage for some years: on certain conditions the defendant cajoled him into relinquishing this estate, and not content with this act of extortion, insisted upon his making over the produce of the estate for the year before the transfer took place, and actually put a man over him, in order to induce his compliance; the rice was accordingly given, and the man withdrawn. The plaintiff in this suit is a Potail of a village situated within a few miles of Mangalore, and a man of great respectability and wealth: he has had frequent business at court, but preferred submitting to this act of oppression in silence, rather than make a disclosure which would have led to restitution of his property, and to the exposure of his unprincipled oppressor.

17. The next cause decided was instituted by Ooman against Pootapah, for the recovery of two hundred and thirty-two rupees paid as a bribe to obtain a favourable decree in a cause which the defendant had threatened to get decided against him.

A suit had been instituted in court against the plaintiff for the recovery of an estate and its produce, and the plaintiff applied to defendant for his assistance, and agreed to pay him two hundred and fifty rupees for a decision in his favour. The evidence adduced establishes that an agreement was entered into between plaintiff and defendant, in which the latter promised to get the former confirmed in the possession of the estate, the subject of the suit (and which plaintiff then enjoyed), and also to procure for him a share of the estate enjoyed by the person who had complained against him; that two hundred and thirty-two rupees was determined on as the sum for which the object was to be effected, and that the amount was accordingly paid by plaintiff to defendant in four different payments. The sum claimed was therefore decreed against defendant, as also the prescribed fines. The suit in which the bribe was paid was preferred by one relation against another, for an estate in which each had a right: it was settled by amicable adjustment. The consent of the plaintiff appears at first to have been withheld, and not indeed to have been obtained until the defendant assured him he must lose his cause if he refused to listen to this mode of adjustment. The plaintiff attended in court, declared his perfect assent to the agreement, and received a decree drawn out agreeable to the terms to which he himself had subscribed, without mentioning a word of the bribes he had paid, or of the disappointment his interests had suffered from the failure of the defendant's promise.

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The defendant in this suit declined summoning any witnesses.

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18. The next cause decided was instituted by Divia Gowda against Pootapah, for the recovery of forty-four rupees paid as a bribe to obtain plaintiff's release on security from the Cutwall's choultry, and a speedy hearing of his case.

The plaintiff had been sent in from one of the thannahs, on a charge of having caused the death of a woman with whom he had lived. The brother of the defendant is represented as having instigated this complaint; but in the evidence adduced there is no proof whatever of this assertion. The witnesses establish the payment of the amount for the purpose set forth, and the sum was therefore adjudged against the defendant, as also the fines. The plaintiff in this suit was constantly brought to court with the other prisoners confined in the Cutwall's choultry, from the period of his arrival until his release, and had many opportunities of representing his ability to produce security for his appearance until a final hearing of his case. He made no application to this effect until about twenty days after the bribe had been paid to defendant, at which time the security was tendered and received. Three days after the plaintiff had obtained his release on security, the examination into the complaint against him was finished and declared groundless. The examination was conducted by myself in presence of the plaintiff, who had every opportunity of disclosing the circumstance, but studiously avoided the slightest mention of any demands which had been made against him.

The defendant in this suit declined summoning witnesses.

19. The next cause decided was instituted by Timia against Pootapah, for the recovery of Rupees 1,200, paid as a bribe to procure restitution of some property stolen from plaintiff's house, and to establish the guilt against those sent in on suspicion of having been concerned in the robbery.

The plaintiff's house had been robbed of property to a very large amount, and several persons had been sent into court, on suspicion of being concerned in the theft. The plaintiff made application to defendant for his assistance in recovering the property, and defendant demanded the sum of five hundred pagodas, which was afterwards reduced to three hundred, for the promise of effecting his wishes. The evidence adduced establishes the demand of defendant for three hundred pagodas, his promise to recover the property for that consideration, and the delivery of the amount in three different payments; the sum claimed was therefore adjudged against him, as also the payment of the fines denounced. In the circumstance of this suit may be observed another instance of unaccountable credulity. The plaintiff accompanied those who were sent in on suspicion, and remained at Onore for about four months after the bribe was paid and the engagement entered into. During this time he had been present at several examinations of the prisoners, perceived that his property was not forthcoming, and that no circumstance had transpired either to confirm the suspicion originally entertained against those accused, or to encourage him in his hopes of success. During the interval of suspense his reliance on the promise of the defendant might have supported his hopes and induced his silence; but when he saw the prisoners released, was told by me that there were no grounds of suspicion against them, and recommended to return to his country and exert himself to recover the property and discover the perpetrators, what but a disclosure of all the villanies which had been practised against him, and a recital of all the cruel disappointment his interest had suffered, might have been expected from such accumulated injury and distress.

20. The next cause decided was instituted by Reaomally against Pootapah, for the recovery of two hundred and fifty rupees paid as a bribe to procure a favourable and speedy decision of a civil suit.

The plaintiff had instituted a suit in the civil court, and made application to defendant to procure for him a favourable and speedy decision. The defendant demanded four hundred rupees (which was afterwards reduced to two hundred and fifty) for his services, promising for that sum to effect the plaintiff's wishes. The evidence adduced in this cause establishes that the agreement set forth in the

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the petition was entered into by defendant; that the payment of two hundred and fifty rupees was accordingly made to him, and that a promise of procuring an immediate decision was given by defendant at the time of receiving the amount; judgment was therefore pronounced in favour of plaintiff, and the fines denounced by Regulation decreed against defendant. The civil suit alluded to in the present case is the same as that mentioned in case No. 7. The plaintiffs in both of the present suits were plaintiff and defendant in that originally instituted, and in which the defendant Pootapah's interest was solicited by both parties. The original suit was adjusted amicably between the parties; but the evidence establishes that same demur was at first made by one of them, which could not be surmounted until the defendant assured the party who made objections that the cause would inevitably go against him if he persisted, and by that means obtained consent. They both appeared in Court, declared their perfect assent to the arrangement, and received an order, making the conditions they had themselves subscribed to a decree of court, which was read over and delivered to them in my presence. This is the only instance to be met with in the causes now before the court, wherein the interest of defendant had been solicited and disposed of to opposite parties in one suit, and affords a striking proof of the address the defendant must have been master of, to have enabled him to dupe contending parties, and to reconcile adverse interests to disappointment and miscarriage.

The defendant declined summoning any witnesses.

21. The next cause decided was instituted by Ramia and Coopia against Pootapah, for the recovery of six hundred and forty rupees paid as a bribe to obtain permission to depart from court.

A magisterial complaint had been preferred in court, in which the plaintiffs and others had been summoned as witnesses: their evidence had been delivered, and the persons complained against committed to take their trial before the circuit court. The plaintiffs in their petition assert, that the defendant on their applying to him for leave to depart, accused them of having deposed falsely, and refused his assent: an assertion corroborated by the evidence of one of the witnesses, who deposes that this intimidation was made use of by the defendant, when he waited upon him, at the instance of the plaintiffs, to adjust the terms on which their departure was to be permitted. The evidence adduced establishes the payment of the amount to defendant, and that when the amount was paid his permission was given them to depart: the sum was therefore awarded against defendant with the fines denounced. Of all the various suits preferred against the ministerial officers, none more fully evinces the complete ascendancy they enjoyed than the present. The plaintiffs are head-men of some districts above the Ghauts, in which the Aumildar had been accused of levying contributions on the inhabitants, under the plea of furnishing supplies for a detachment of troops then passing through that part of the country, and they (plaintiffs) were called upon to depose to these facts. The charge against the Aumildar was so far supported, that I committed him to take his trial before the circuit court, and desired the plaintiffs and the other witnesses in the cause to remain at Onore until the arrival of the circuit Judge, who at that time had announced his intention of holding a sessions, and was expected in the course of a few days. Many of the witnesses accordingly remained: some went back to their houses without my permission, and were scarce able to perform the journey and return in time to deliver their evidence before the circuit court. The plaintiffs were examined as evidences before this authority, the highest to which, from their situation, they could obtain personal access. They were examined before this court respecting an act committed by another, similar in its nature (although falling short in the degree of atrocity) to that which but a month before had been practised against themselves. They had seen that my time had been engrossed for five months by this examination, during which period no less than forty-seven witnesses had been examined in support of the charge; and if, with this proof of my solicitude to detect imposition, they could possibly allow themselves to doubt my disposition to punish their oppressors, the circuit court was open to receive their complaints, a court they well knew to possess authority for enquiring into all malpractices, and for punishing any public officer who had abused his trust. When these fair opportunities are neglected, and an

an abject silence on the subject of such recent and aggravated injuries still observed, where shall we look for information to direct our researches? how obtain the means of correcting abuse?

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22. The next cause decided, was instituted by Ganapia Beged and Shivaramia against Pootapah, for the recovery of two thousand rupees paid as a bribe to obtain their release on security.

One of the plaintiffs in this suit, and the brother of the other, had been sent into court on a charge of having robbed their neighbours of property to a very large amount: they were confined, and applied to defendant to obtain their release on security. Two thousand rupees was determined on as the price of defendant's permission, and the amount was accordingly paid. The evidence adduced establishes that the application was made to the defendant, and that the amount claimed was delivered to him in two payments; a decree was therefore given against him for the amount, as also for the fines denounced by the Regulation. One of the plaintiffs in the present suit, and the brother of the other, are the people against whom the plaintiff in No. 19 had complained, and who were sent in on the charge he had preferred against them. They were confined (until their release on security) in a room of the court, and the inquiry into the charge of theft against them was conducted at different periods during an interval of four months, and terminated in the release of the whole party, the proof against them being altogether insufficient. Four of the prisoners, in which number one of the present plaintiffs and the brother of the other were included, were set at large on security, the suspicion against them having appeared on a summary inquiry much less than against the others. They were examined by myself, conversed with me several times before and after their release, and received the order of dismissal, without giving me any information on the subject of the present suit, or affording me reason for supposing that any improper demand had been made against them. The perpetrators of the robbery, of which the plaintiffs were accused, have since been apprehended by me in the Marhatta country, and have acknowledged the crime; the consciousness therefore of the plaintiff's innocence ought to have operated as a strong inducement for their opposing the demands of defendant, or at least for their disclosing such demands when their dismissal took place: a disclosure to which they were encouraged by the considerate treatment they met with during the interval of the examination, and the strict justice they received on the final decision of the suit.

23. The next cause which came on for trial was instituted by Ramannegeda and Buttea against Maudapah, for the recovery of eight hundred and sixty rupees paid as a bribe to obtain permission to depart from court.

A magisterial suit had been preferred in court, and the plaintiffs were witnesses summoned in support of the prosecution: they had delivered their evidence, and the party complained against had been committed. The plaintiffs being desirous to depart applied to defendant, who accused them of having withheld their evidence, and told them they could not be allowed to leave the court. After some further application on one side and demur on the other, the payment of eight hundred and sixty rupees was determined on as the price of the defendant's assent, and the amount was accordingly paid. The proof of the payment on this account being clear and circumstantial, judgment was given in favour of plaintiffs, and the prescribed fines decreed against defendant. This suit is exactly similar in substance to No. 21: the plaintiffs were summoned in the same magisterial cause mentioned in that number, and paid the bribe under the same circumstances and with the same views. It will not be necessary to enter into any further explanation, as the observations in the former case apply in all their force to the present suit.

24. The next cause decided was instituted by Ramana against Maudapah, for the recovery of one hundred and sixty rupees for obtaining permission for plaintiff's return to his village, whence he fled in consequence of a complaint having been preferred against him.

A complaint was preferred against plaintiff, accusing him of having received a large quantity of stolen property: he withdrew with his family to the jungles to

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to prevent being apprehended, and made application to defendant for leave to return. The plaintiff was apprized that he must at all events appear at court, but that for the payment of one hundred and sixty rupees his family might return to their village. The application to defendant, and the payment of the sum of one hundred and sixty rupees for the purpose above stated, is so fully established, that the sum has been decreed against him, as also the payment of the fines denounced. It was discovered that the plaintiff in this cause had disposed of some stolen property which was seized and sent to court. The plaintiff withdrew with all his family into the jungles on the approach of the police officers, and by this measure was enabled to elude their researches. He returned occasionally in a clandestine manner to his house, but has never since resided openly in his village, and could not therefore be apprehended or prosecuted upon the original complaint, which was preferred against him alone, without including any of his family. He left his place of concealment for the purpose of prosecuting the present suit, upon hearing that the ministerial servants were put under restraint, and that all who had suffered by their misconduct were required to come forward and represent their grievances.

25. The next cause which came on for trial was instituted by Bomia Shitty against Mandapah, for the recovery of two hundred rupees, being the amount of a bribe paid to prevent plaintiff and his wife from being put into the Cutwall's choultry.

A complaint was preferred in court against plaintiff, his wife, and his nephew, for having carried off a neighbour's property. The plaintiff asserts, that defendant intimidated him with threats that he would procure a summons for the apprehension of them all, and send them to the Cutwall's choultry, to prevent which the plaintiff settled with defendant for the payment of two hundred rupees. The fact of the intimidation is not substantiated, but the payment of the sum is fully proved, as also that defendant at the time of payment promised to expedite the adjustment of the cause: the sum was therefore decreed against defendant, as also the fines denounced in the Regulation. This is another suit which affords matter of astonishment. The plaintiff's avowed object was to prevent the issue of the particular summons ordered by the Regulations to be sent in criminal cases of a nature not bailable. The original complaint preferred against the plaintiff was not of a description to warrant the issue of such a summons, and consequently there was no grounds for his entertaining any apprehension on the occasion. The particular summons required by the nature of the case was issued in due course, and the examination into the suit has not as yet commenced, nor have any of the parties been apprehended. The plaintiff and his nephew reported their arrival at court, and the former represented that his wife was unwell and unable to attend; she was therefore directed to appoint a person to appear and answer for her. Such are the circumstances of this suit, on which, although the bribe is proved to have been given, it is impossible to discover how the interests of the person who paid it could be promoted by the transaction.

26. The next cause decided was instituted by Devanaick against Pootapah for the recovery of ninety-six rupees, being the amount due on two corges of rice taken by compulsion, after deducting one hundred and forty-four rupees received from defendant.

The complaint sets forth that the defendant sent for plaintiff, and required from him two corges of rice, at eighteen pagodas per corge, when rice was selling at thirty pagodas per corge; that the plaintiff objected to giving the rice at that price, and that defendant then frightened him, and told him that he was sure he had the rice, and that he would manage to get it; that the plaintiff, to prevent the defendant from carrying his threats into execution, consented to procure the rice, and received thirty-six pagodas as the price of two corges, which quantity was accordingly delivered at the time when the rice was selling at the rate of thirty pagodas per corge. The fact of defendant's having received, by means of threats, from plaintiff two corges of rice at eighteen pagodas per corge, at the time the rice was selling at thirty pagodas per corge, is fully proved by the evidence of the witness, and the amount, as also the fines, were decreed against defendant. The plaintiff in this suit was unconnected with any business

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at that time before the court. He is a revenue Potail, and resides within a few miles of Mangalore, his vicinity therefore to the court station gave him every opportunity of representing his grievances, and the public situation he held afforded him the means of making known his injuries to his immediate superiors, if any doubts could have arisen of my disposition to afford him redress. Notwithstanding these advantages, he observed the most perfect silence on the subject, and only came forward with his complaint after the detection of other abuses, and after the ministerial officers had been put under restraint.

27. The next cause decided was instituted by Soobia against Pootapah, for the recovery of two hundred rupees, paid as a bribe for procuring the defendant's assistance in some civil suits instituted by plaintiff.

The plaintiff, who had several suits pending in court, represents in his petition that the defendant sent word that his marriage had been very expensive, and demanded five hundred rupees, threatening, in the event of non-compliance, to get all the pending causes nonsuited, and that plaintiff, to prevent this, agreed to the payment of the sum of two hundred rupees. The proof adduced in this suit fully substantiate the payment of this amount, and that the defendant, prior to such payment, had threatened the plaintiff in the manner represented; the sum was accordingly decreed against the defendant, as also the fines denounced in the Regulation. The plaintiff in this suit, since the payment of the bribe in question, has had five suits adjusted in court, one of which was settled amicably by the parties, another withdrawn by himself, two more decided *ex parte*, in consequence of the adversaries omitting, after due notice, to attend, and the fifth decided after a full investigation in the plaintiff's favour, at a time when the defendant in this suit was at Goa for the recovery of his health. In none of these five suits has the interest of the plaintiff been in any way promoted by the influence of the defendant. During the trial of the last, the only occasion in which intrigue could possibly have been practised, the defendant was one hundred miles from the spot, and consequently unable to afford any assistance to the cause.

The defendant in this suit declined summoning any witnesses.

28. The next cause which came on for trial was instituted by Soobiabundary against Pootapah, for the recovery of four hundred rupees, being the value of rice taken by compulsion.

The complaint sets forth that defendant sent for plaintiff (a neighbouring Potail) and informed him that he wanted to purchase two estates in his village, which the plaintiff represented could not be procured; that the defendant then required ten corges of rice at fifteen or sixteen pagodas per corge, when rice was selling at twenty-six or twenty-seven pagodas, which plaintiff likewise informed the defendant could not be procured at that rate; that the defendant then frightened him, declaring that he knew full well that the plaintiff had plenty of rice, and that he (plaintiff) would manage to get it; that plaintiff, alarmed at the consequences that would result from defendant's displeasure, agreed to procure the rice at the price above-mentioned, which he accordingly did, and reported his having done so to the defendant, who then required that the rice should be sold, and the amount proceeds delivered to him; that the plaintiff accordingly sold the rice for four hundred rupees, at twenty-five pagodas per corge, and sent the amount to defendant. The payment of this sum, as also the fact stated in the complaint, having been fully proved, the amount was decreed against the defendant, as also the payment of the fines denounced. This suit more strongly pourtrays the native character than any other which has come before the court: it evinces that abuse of trust is not confined to any particular class of servants, but generally practised when an opportunity offers of promoting private interests at the expense of public integrity. The plaintiff, who resides immediately close to Mangalore, is a man of opulent circumstances, and had not any business whatever before the court. His wealth attracted the notice of the defendant, and induced him to make a demand, to avoid compliance with which he well knew the plaintiff would readily submit to any loss or inconvenience. The public situation the plaintiff held enabled him to practise towards others the same oppression which had been exercised upon himself, he therefore entered into a compromise with defendant

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for the delivery of the rice, and secured his own interest by apportioning the demand among the Ryots under him, from whom he collected the whole quantity, each contributing his quota according to the means he possessed. The distinction the plaintiff enjoyed from public office, and the vicinity of his residence to the court, might, it is natural to suppose, have guarded him against any attempt at oppression. These advantages, however, proved but a feeble barrier to the rapacity of defendant, and were rendered useless by the unprincipled conduct of the plaintiff, who transferred the injuries practised upon himself to others dependent on him, rather than maintain his own rights against attacks which his situation required him to resist, and his public trust called upon him to disclose. I shall consider it my duty to proceed against the plaintiff in this suit for the oppression he has been guilty of towards the Ryots.

The defendant declined summoning any witnesses in this suit.

29. The next cause decided was instituted by Apoobunga and Kantoobunga against Maudapah, for the recovery of three hundred rupees paid as a bribe to obtain their release on security from the Cutwall's choultry.

The plaintiffs were sent to the Cutwall's choultry on charges of robbery, and settled with defendant for the payment of three hundred rupees for their release on security, which accordingly took place. The evidence adduced establishes that the payment was made for this purpose, and the sum was decreed against defendant, as also the fines denounced. The two plaintiffs in this suit had charged each other with robbery: the one had preferred his complaint to a Thannadar, and the other on hearing of the circumstance left his village and repaired to court with a counter-charge against the person who had complained at the Thannah. On their appearing in court each persisted in his charge against the other, and they were so violent in their accusation, and so deaf to every recommendation of amicable adjustment, that they were sent to the Cutwall's choultry until they could procure security for their appearance. They remained under restraint three or four days, and then produced the security. They afterwards adjusted the suit amicably, presented their raszeenamahs to me in court, and represented that they had no further grounds of dissatisfaction with each other. They signed these papers in my presence, and were particularly admonished by me, at the time of their dismissal, to live on terms of amity, and to refrain from feuds, so hostile to their interests and so disgraceful to their characters. They acknowledged their error, and gave promises of peaceable demeanor in future, but were altogether silent on the subject of the imposition practised against them.

30. The next cause decided was instituted by Venkanah against Pootapah, for the recovery of one hundred and sixty-four rupees paid as a bribe for procuring the defendant's assistance in a magisterial complaint.

The plaintiff had been sent into court in consequence of a complaint having been preferred against him: he waited on the defendant, and settled with him for the payment of two hundred rupees, for which sum the defendant promised to get his suit settled. The payment of this sum, and the promise are fully proved to have taken place; the amount therefore, and also the fines, were decreed against the defendant. The plaintiff in this suit had been complained against to the Thannadar, who proceeded to apprehend him. Some opposition was experienced in the attempt, but the plaintiff was at length secured and sent into court, where he was released on security, and in about a month after paid to the defendant the bribes now the subject of the present suit. The original suit against the plaintiff was found litigious, and the complainants fined for preferring it: the plaintiff had a full opportunity, therefore, of representing his grievances, but allowed it to pass unnoticed. The defendant declined summoning any witnesses in this suit.

31. The next suit decided was instituted by Narnapah, one of the Commissioners, against Pootapah, for the recovery of four hundred and twenty rupees paid as a bribe to obtain permission to depart from court.

The plaintiff was sent to court by one of the Thannadars, in consequence of a complaint against him. The petition sets forth that he applied to the defendant for leave to depart home, which the defendant refused, and threatened to have

have the plaintiff sent to jail, on the plea that he had committed various acts of violence in the district in which he exercised his duties as Commissioner. The evidence adduced does not substantiate that the defendant made use of intimidation, but it establishes that the sum claimed was paid to him for the purpose of obtaining leave for plaintiff to depart, and that defendant, at the time of receiving the money, promised to procure such leave: the sum was therefore decreed against him, as also the fines denounced. This is a cause respecting which there is a considerable degree of mystery. The plaintiff was evidently sent from the town in which he acted as Commissioner under restraint, but he was not delivered over to the officer in charge of the choultry or confined at Onore, nor was his arrival reported. On being questioned, he asserts that he was carried direct to the house of Maudapah, one of the head ministerial officers, and there delivered over, but that he knows not the Peons in whose custody he was brought. The police officer who sent him in asserts, that he represented the plaintiff's conduct to court, and received an order for his apprehension; but after a diligent search among the records of the court, the representation said to have been made has not been found, nor can the original order, or any copy of it, be met with. The evidence of one of the witnesses also furnishes some grounds for doubting this assertion: he declares, that he was told by the defendant to prefer a suit against the plaintiff, in order to procure his attendance at Onore, as he (plaintiff) had contributed nothing to the defendant's expenses, and had never come near him. This witness further states, that on his omitting to attend in time to make this complaint, the defendant informed him that he had managed to rectify the omission, by procuring a summons for the attendance of the plaintiff in a civil suit. Whatever might have been the merits of the case, the character of the plaintiff since his appointment of Commissioner seems highly exceptionable; but this cannot plead in extenuation of the defendant's conduct, which appears to have been equally culpable in this as in other suits which have been brought before me. The plaintiff remained at Onore for some months, and had daily opportunities of making known his grievances.

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32. The next cause decided was instituted by the same Commissioner against Maudapah, for the recovery of four hundred rupees for the same purpose.

The proof in this suit was equally strong as that in the last, and judgment was therefore pronounced against the defendant for the sum claimed, as also for the fines denounced in the Regulation. The observation in the last suit being equally applicable to the present, it is unnecessary to enter into further particulars.

33. The next cause decided was instituted by Vittopa against Pootapah, for the recovery of Rupees 2,376, paid as a bribe on account of some Ryots of Bilghi, in order to prevent their being apprehended on a charge of having supported the Bilghi Poligar.

The complaint sets forth that the Ryots and others, alarmed at the apprehension of some of the inhabitants for aiding and assisting the Poligar of Bilghi, sent the plaintiff to defendant to request his interference; that the defendant promised to assist them provided they would pay him four thousand rupees, which sum was afterwards reduced to Rupees 2,376, and was to be paid part in cardamoms and the remainder sent to Onore in cash. The evidence adduced establishes the delivery of sixty maunds of cardamoms on this account, and four hundred and fifty-six rupees; the sum was therefore decreed against the defendant, with the fines denounced. Here is another instance of the complete ascendancy the defendant enjoyed over the minds of the inhabitants. I had found it necessary to proceed to Belghi in search of the proscribed Poligar, who had secretly erected a wooden fort in the Bilghi jungles, and had commenced the levy of contribution from all classes of the inhabitants. On my arrival at Bilghi I found that several of the head people had afforded shelter to the Poligar, and had made themselves the means by which he effected his purposes. I apprehended several, some of whom I brought to trial before the circuit court, and dismissed others for want of the necessary proof of their delinquency. The persons who paid these bribes are among the number so released. They solicited the interference of the defendant, and obtained his promise of assistance, on the condition of their paying the sum now claimed, which

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which condition they punctually fulfilled, although it is impossible to discover how the defendant performed his part of the agreement, or rendered the stipulated assistance. The inquiry was conducted altogether by myself, and the persons who had paid the bribes were brought frequently before me. I examined them several days, and being satisfied of their innocence I released them, with admonitions to avoid all connection with the secret enemies of Government, and directed them to co-operate with the police in maintaining the peace of the district. The two plaintiffs were revenue servants, and the head men of that district. They attended me the whole time of my stay in Bilghi, and even accompanied me to the limits of their district on my return towards Onore. I had several private conversations with them on the subject of the Poligar, and the assistance afforded him by the Ryots, but they never mentioned a word respecting defendant's demands, or the imposition to which the inhabitants had submitted.

34. The next cause decided was instituted by Annapoy against Maudapah, for the recovery of Rupees 1,560, paid as a bribe to prevent the attendance of some witnesses who had been summoned in a magisterial complaint.

The defendant admitted the payment of the amount, and attempted to establish that it was made on a different account than that set forth in the petition, an attempt in which he altogether failed. The evidence adduced in this suit, although not altogether positive as to the particular purpose for which the payment was made, was so circumstantial and strong, that I considered it my duty to adjudge the amount against the defendant with the several fines. The original magisterial complaint (in which those who had paid the bribes through the present plaintiff to defendant had been summoned as witnesses) was preferred by four people, the heads of one caste, against several others the heads of another, for assaulting their Gooroo in the execution of his duty, and pulling him out of his palanquin. Several witnesses were summoned on both sides, and orders were sent for their attendance. Of the four complainants three omitted to attend, although their presence had been frequently required, and a period of some months had elapsed since the complaint had been preferred; the original cause was therefore dismissed, and the complainant in attendance directed to prefer a complaint, in his own name, for the injury he had sustained, which was accordingly done. On the dismissal of this complaint the witnesses who had been summoned were apprized of the circumstance, and informed that their attendance at that period was unnecessary; and as no report had been made me of the arrival of any of them at Onore, I concluded that the counter-orders had reached them in time to prevent their attendance. It appears, however, from the evidence in this suit, that some few had arrived at Onore during the time that the court was adjourned, and after settling with the defendant, had returned home again without appearing at court. These witnesses were all men of opulent circumstances. Most of them were summoned by one of the parties complained against, and as this person has absconded there is reason for supposing that they were summoned in concert with defendant. Several of them have often attended at court on various occasions since the above payment was made, and have conversed with me frequently on different subjects: they never mentioned a word of the payment, the subject of this suit, nor had I any information of the matter before the institution of the present inquiry.

35. The next cause decided was instituted by Timia against Maudapah, for the recovery of two hundred and twelve rupees paid as a bribe to procure a speedy dismissal from court, where plaintiff had attended in consequence of a complaint preferred against him.

A complaint had been preferred against the plaintiff in the magisterial court, to expedite which he paid the present bribe. The evidence adduced in this suit establishes the delivery of two hundred rupees to defendant, in two payments, one of eighty rupees and the other of one hundred and twenty rupees, and that he promised on both these occasions to expedite the departure of plaintiff. The sum was therefore decreed against defendant with the fines denounced. The plaintiff is a Revenue Potail, was sent in on a charge of assault which on inquiry was found litigious. The party preferring the complaint

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plaint was fined in the presence of the plaintiff, who notwithstanding remained perfectly silent on the subject of this abuse. The defendant in this suit declined summoning any witnesses.

36. The next cause decided was instituted by Sooba Alva against Pootapah, for the recovery of four hundred rupees paid as a bribe to expedite a civil suit.

The plaintiff had instituted a civil suit for the recovery of an estate and its produce. The complaint sets forth, that the plaintiff spoke to defendant on the subject of expediting the civil suit in which he was engaged, and that defendant required four hundred rupees, for which he promised to do so. The evidence adduced establishes the payment of the above sum for the purpose declared: the amount was therefore decreed against defendant with the fines denounced. The original suit instituted by plaintiff was withdrawn by him after payment of the bribe. The plaintiff attended himself at court, presented a petition for withdrawing his suit, and received an order of the court to that effect, which was read over and delivered to him in my presence. He was silent as to the extortion practised against him, and although he has frequently attended at court since the transaction, he has never mentioned a syllable which could lead to a suspicion that he had been so grossly imposed upon.

Such is the nature of the causes decided against the ministerial officers of this court, an attentive perusal of which will, I trust, establish, that great as the abuse has been, it has derived no support from any real influence these men possessed in public matters, and secured no advantages to those who sought their favour incompatible with the interest of public justice. These causes have all been appealed, in strict execution of the menaces held out by the defendant at the commencement of the inquiries, and a still further reference to the Sudder court is publicly threatened in all cases wherein the judgment of this court shall be confirmed by the sentence of the superior. It will be necessary now to advert to the principal objects for which the bribes were given in matters connected with public business, and to detail the precautionary measures adopted with respect to these objects, in order that his Excellency the Governor in Council may judge whether the late abuses have received encouragement from any neglect of mine, or whether I have been in any manner remiss in my endeavours to ensure to the inhabitants of this zillah the fullest advantages of the beneficent intentions of their rulers, and to the Government the conscientious discharge of all the duties entrusted to their servants. These objects appear to be,

1st. The procuring a speedy inquiry into certain suits and decisions favourable to particular interests.

2d. The procuring for witnesses an exemption from attendance or a speedy dismissal from court.

3d. The procuring for persons sent in on magisterial charges their enlargement on security, until their cases could be brought on in due course.

With respect to the first of these objects, viz. a speedy inquiry into certain suits and decisions favourable to particular interests, an examination into the result of those causes in which the bribes were paid on this account will establish that, in no single instance, have the promises been fulfilled on the one side, or the hopes which have been excited realized on the other. All the suits, as far as possible, have been brought on for trial in due course, and have either been adjusted amicably by the parties, withdrawn by those who instituted them, or remain on the file still undecided, although a long time has elapsed since the bribes were paid, since the promise of interference was given, and since the period for the fulfilment of that promise has expired. It only remains, therefore, for me to mention the measures which have been adopted to prevent abuse, and to ensure the inquiry into civil suits according to priority of date. A general file book was kept, in which every suit was entered as it was received. Against each suit the dates of every proceeding were noticed in columns for the purpose,

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and a mark * was affixed to each number, by which the particular stage of the inquiry might be instantly ascertained. This book I referred to every three or four days, and was enabled to discover at first sight, whether any cause had been brought on out of due course, and to ascertain the reasons which existed for deviating from the general custom. The Nazir, attended sometimes by the Sheristadar and sometimes by the pleaders employed, reported every day, on my arrival at court, the number of witnesses or parties in suits who had arrived the day before; the particular suits in which the whole of the witnesses summoned were in attendance; those in which part only had arrived, and which were necessarily at a stand until the arrival of the rest, unless the parties had expressed to him a desire that the merits of their claims should be determined by the evidence then in attendance, in which case such circumstance was included in his report; and also any other matter connected with the suits which had been officially brought to his knowledge. These reports were sometimes entered in the proceedings, and the examination of the cases always proceeded according to priority of number, unless in particular instances, when, from the number of witnesses in one cause and lateness of the hour, it was found impossible to finish the inquiry at that particular sitting, in which case, to prevent the possibility of the witnesses being tutored, the inquiry was altogether deferred until the next morning. The examination of witnesses was generally conducted by myself. Sometimes it was entrusted to the head servants, when my time happened to be engrossed with other business: in all such cases the parties or their Vakeels were invariably present, and the examinations so taken were read over and signed in my presence, as well by the person deposing as by the principals or their pleaders in the suit. The decrees were drawn out as soon after the conclusion of the examination as the general business of the court would admit, read, and delivered to the parties in open court, and put in course of execution immediately on application for that purpose. The Collector was always called upon to dispose of real property when such measure was necessary in satisfaction of decrees, and the Commissioner to dispose of personal, when the proceeds from the latter were considered insufficient to answer the demands. In cases of amicable adjustment, the parties were required to file petitions, specifying the particular conditions on which the suit was to be adjusted; and to prevent the possibility of misconception or abuse, they were called upon to declare in open court their perfect consent to such conditions, and to sign such declaration in my proceedings, before they could be made an order of the court. In cases wherein a party was desirous of withdrawing a suit, he was obliged to present a petition to that effect, stating his reasons for the measure. His adversary, if in attendance, or his Vakeel if he had appointed one, was furnished with an order, specifying the wish of the person withdrawing, which was read in open court, and delivered with my signature to each of the parties in the suit. Such were the rules which obtained with respect to the trial and adjustment of all civil suits brought before the court.

With respect to the second consideration for which bribes have been paid, viz. the procuring for witnesses an exemption from attendance or an early dismissal from court, an examination into those cases in which money has been paid on this account will establish, that in all instances wherein the defendants are said to have effected either of these points, the parties themselves, at whose desire such witnesses have been summoned, have dispensed with their attendance, or their presence has been counter-ordered direct by the court, in consequence of the business in which they were required having been adjusted without them. The decided cases prove, indeed, that in one instance a bribe was paid, not for the removal of any obstacle opposed to the departure of the witness by the common business of the court, but for extricating himself from difficulties purposely thrown in his way by defendant, who intimidated him, when on the eve of departure, with menaces of being again summoned as a witness in some other suits, and by this stratagem induced him to forego the use of the permission

Witnesses sent for and documents received.	Witnesses arrived, examination commenced.	Examination finished.	Decree passed.
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sion he had received for his departure, and to listen to the illegal demands made against him. The arrangements which prevailed with respect to the dismissal of witnesses, and the causes which rendered the introduction of these arrangements necessary, are simply these. On the first institution of the court, much inconvenience and delay was experienced from the departure of witnesses without having obtained permission for that purpose. It sometimes occurred that they disappeared before their evidence was taken, and without previous notice of their intention; at other times it happened that they had been summoned in a magisterial as well as a civil case, or probably in different civil suits, and had returned home immediately on the delivery of their evidence in one of these suits. The inquiry into the remainder was necessarily deferred until re-attendance could be procured, which from the great extent of the zillah could not often be effected without much trouble and considerable delay. To obviate this inconvenience, it was found necessary that each witness should be furnished with a chit from the Nazir, to enable him to leave the court, and the Nazir was instructed to ascertain, previous to giving this chit, that the business on which the witness had attended was completed, and that he had no other duties to detain him at court. The witnesses frequently applied direct to me, and got immediate instructions for their dismissal: sometimes they applied to the Nazir, who made the necessary inquiries and complied with their requests; at other times they brought certificates from the pleaders employed in the cause in which they had deposed, which was sufficient to procure for them the necessary order for their departure. These were the arrangements which existed in this respect, and all abuse of these arrangements was considered amply guarded against, by the facility with which the parties could at all times make application to myself and obtain redress.

The third consideration for which bribes have been paid, viz. for procuring for persons sent in on magisterial charges their enlargement on security until their causes could be brought on in due course, appears to have proved more lucrative than any other. It will be necessary here to state the reasons for taking security in petty magisterial causes, and then to detail the arrangements under which this measure, as well as all others connected with the business in that department, were conducted. The constant press of magisterial business rendered it impossible that the cases should be commenced upon immediately on the complaints being preferred, or that evidence could be taken immediately on the arrival of the persons accused: each succeeding month added to the arrears of business in this department, and it generally happened that two, three, and even four months intervened between the date of the complaint and the period of the decision. This accumulation of business, which every exertion on the part of the magistrate was unable to prevent, would have proved highly prejudicial to the interests of those sent in on petty charges, and a powerful engine in the hands of the litigious, if a rigid confinement had in all cases been insisted upon until a final decision could be passed in regular routine. To prevent this evil, I invariably allowed all who were charged with trifling crimes to produce security, as it was called, but which merely consisted in procuring a man of respectability to undertake that the person complained of should be forthcoming when the charge on which he was sent in was about to be investigated; and as no penalty was attached to a failure in this engagement, no difficulty was apprehended, or indeed experienced, in procuring men of character to come forward on such occasions. I was induced to adopt this measure from other considerations of almost equal moment. The prisoners sent in were so numerous, that I had neither accommodation to lodge them or Peons sufficient to attend them; besides, by allowing them to be at large until the case was brought on in due course, I avoided incurring the expense of their subsistence, which consideration alone would have rendered the measure one of strict necessity, if the rights of the subject had not been materially consulted by the arrangement. The general arrangements for the conduct of the magisterial duties were formed with the same degree of attention as those which had obtained in the civil department. A blank paper was pasted to the wall of the court, on which any person desirous of preferring a complaint, or of representing any official matter, might at all times affix his signature. Complaints preferred direct to court were given in and sworn to in my presence: the parties complained against were duly summoned, and their confession or denial of the act

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act taken at the time of their arrival. The witnesses were summoned as the business of the court permitted, and the examination of the case proceeded, as far as possible, in regular turn. All prisoners sent in from the districts were carried on the day of their arrival to the Cutwall's choultry: the next morning they were brought with the rest of the prisoners to court by the Duffadar in charge of the choultry, who reported every morning the number of prisoners who had arrived the day before, the crime alleged against them and the place from which they had come, the total number of prisoners under his charge, the state of their health, and generally any matters connected with them. All these prisoners were constantly brought to court every morning, and remained there during the whole time the court was sitting. By these means they had in all petty causes an opportunity of meeting with their friends, and of adjusting amicably, through their interference, any trifling differences; and if reconciliation was hopeless, they had an opportunity of arranging for their liberation on security, until a final decision could be passed on their cases. The head magisterial servant reported every morning the number of witnesses who had arrived the day before, the number in attendance in different causes, and those cases which were ready for final examination; and that the inquiry might proceed as far as possible agreeably to priority of date, I have always kept a tablet on my desk, on which the names of all the prisoners whose causes were undecided, the crimes alleged against them, and the particular date of their arrival at court, were regularly entered. The names of the prisoners were expunged from this tablet as their causes were decided, and a fresh one prepared each month, to which I constantly referred, and satisfied myself that where instances occurred of cases being brought on out of turn, there was just and ample reason to justify the deviation. All confessions or examinations were read over to the parties, and signed in my presence. The prisoners against whom sufficient proof was forthcoming of charges cognizable only by the circuit court, were committed when the examination was closed, and they were removed immediately from the Cutwall's choultry to the general prison: recognizances were at the same time taken from the prosecutor and witnesses for their attendance before the circuit court, after which they were instantly dismissed. In petty cases the sentence was pronounced before all the parties, when the whole of the evidence had been received, and the prosecutor and witnesses immediately discharged. All amicable adjustments were received without regard to priority of number. Whenever the parties had come to an agreement, each presented a separate paper assenting to that mode of decision, which was read to them, and signed in my presence. All papers, of every description whatever, taken in this department, were invariably read over to the parties and signed in my presence, and it was impossible that any person who had complained against another, that any who had attended to give evidence in such matters, could leave the court without appearing before me and signing the document containing his deposition or examination; consequently no abuse could have been practised against any, without their having had the fullest opportunity of disclosing the grievance. If the precautions of a public nature were adopted with every solicitude, those out of office will likewise be found to have received every possible attention. A knowledge of all the languages currently spoken in the zillah enabled me to converse with any description of persons desirous of communicating with me, and I always encouraged such communications when properly sought for. In my general intercourse with the natives I studiously avoided every thing which had the appearance of austerity, and thought it as much for the interests of Government as I found it congenial to my own feelings, to establish their ascendancy in the affections, rather than in the fears of their Canarese subjects. Such were the precautions which prevailed in my zillah, which although calculated in their general operation for the attainment of the end in view, were still found to depend, in some degree, on co-operating causes for complete success. Some assistance was expected from the inhabitant in a disposition to disclose his injuries and maintain his rights, and some security for honesty in the servant was looked for in the usual incentives to rectitude of conduct, strengthened by the sacred obligations of his oath. This assistance was altogether withheld, and the looked-for security proved altogether delusive. The decided cases establish that attacks against the dearest rights were made by the one party, and that an abject surrender of

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every privilege was yielded by the other; that extortion was not confined in its practice against those only who had business before the court, but that it was extended, under every form and aggravation which rapacious avarice would devise, against all whose opulence attracted notice, all whose possessions rendered them fit objects for such infamous designs. This is fuly exemplified in the late inquiries, in which it appeared that lands were taken from some, and grain from others, who had no business whatever before the court, and that contributions were even made by merchants residing immediately at the station of the court, who at the time of making these contributions were in habits of daily converse with me, and who, of all others, were known to be above such attacks. When these instances of ascendancy among people of distinction in concerns of a private nature are considered, it will cease to be a matter of astonishment, that the lower class should have entertained a belief that the influence of the head servants was extensive, and such as to control all matters in which they had concern. This pernicious ascendancy (the effects of which have been severely felt in the difficulties with which the court has had to struggle in their late inquiries) is not to be accounted for on any common principles; nor can the profound silence which has prevailed under these aggravated acts of oppression be easily reconciled to reason. One of the causes which has operated to effect this silence is undoubtedly to be found in the conviction which those who paid the bribes must have entertained of the illegality of their own proceedings (in purchasing the avowed interest of a public servant, who they well knew was bound by the strictest obligation of an oath from the exercise of partiality in any public matter), and of the consequent risk to which their interests would be exposed from a disclosure of such unauthorized conduct. Another cause is to be discovered in the general impression which the universal venality prevalent among the servants of all former governments must have made upon the minds of the inhabitants of this province. This impression received in early youth, and confirmed by the sad experience of ages, has occasioned acts of oppression, which in other countries would have been viewed with jealousy, and resented as dangerous innovations, to pass unnoticed in this, and to be considered as evils which (although not authorized by any) were inherent in all governments, and which the observation of themselves, as well as those who had gone before them, had convinced them were inseparable from all political institutions. These are the natural sentiments of an inoffensive race of people, accustomed from their infancy to acts of despotism; sentiments peculiarly befitting the abject character of the Canarese, and which have contributed, in a very material degree, to the upholding of the late unhappy conduct of the court servants. Another cause to which the success of the late villanies may with justice be attributed, is the blind attachment and devotion which these artful men have managed to create among every description of servants at all connected with the establishment of the court. We can be at no loss to account for the origin of this attachment, or the strength of this devotion, when we consider that one common interest united all concerned, and disposed them most cordially to unanimity and support. The first description of servants of whom it will be necessary to speak, as particularly supporting this system and particularly bound to an opposite conduct, are the pleaders and Gomastahs employed immediately in court, not one of whom, from the highest to the lowest, could have been ignorant of the iniquities, or could have possibly been prevailed upon to observe so profound a silence, without some powerful inducement to insure their connivance. Against some of these people, complaints had been preferred, which were given up when the causes were transferred to the civil court, no doubt in consequence of the obstacles opposed to substantiating the claims, and the heavy risks to be incurred in case of failure. I feel so perfectly convinced of the impossibility that these servants could have remained in ignorance of the late transactions, that I consider it my duty to urge, in the most solemn manner, the dismissal of every one. The strong grounds which exist for suspecting that they participated in the profits of the head servants, and the certainty that, by their silence, they connived at these practices, are ample reasons for their removal from situations where purity of character and integrity of conduct are eminently essential. The example which will be afforded by this act of justice loudly demands its adoption: it will be found to operate as a powerful incentive to a conscientious discharge of duty, and as a check to all future attempts at dishonesty or collusion.

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Another description of public servants from whom the head-men have derived the most active assistance and support, are the Commissioners for the trial and decision of civil suits. The system of iniquity originally planned at the station of the court, and no doubt introduced with the utmost caution and distrust, but for the support of the Commissioners must have been necessarily confined to its immediate environs, and practised under every risk of detection, which an anxious wish to discover abuse, and an easy access to complaints would have at all times threatened. These dangers were no doubt adverted to, and were powerful arguments for the removal of the practice to as great a distance as possible, that the chance of personal observation might be lessened while the profits of extended practice might be obtained. Nor would the dangers be proportionably increased by this extension, as at the first glance might naturally be supposed. The particular habits of the people, their insuperable aversion to leaving home, and the influence of the Commissioner who superintended the system up the country, were safeguards against combined complaints, while the vigilance of the ministerial officers at head-quarters soon made them acquainted with particular instances of dissatisfaction, and enabled them to use their utmost exertions to avert the threatened danger, and to deter the malcontent from disclosing his grievances. Of this vigilance we have a lamentable proof, in the certainty that several persons had arrived at Onore, in order to prefer complaints of a serious nature against the relations of these men, but were prevented from appearing in court by the intrigues and artifices practised against them. The Commissioners had many inducements to urge their engaging warmly in the cause: the great increase of their own influence, and the probable chance of impunity they secured to their own malpractices by the obligations they conferred on the head-men, were forcible motives for prompting their services, and ample security for their concealment and fidelity. We accordingly find these servants the principal supporters of the system, the chief instruments by which the head-men effected their wicked purposes. I beg leave to recommend, that all the servants at present holding the office of Commissioners may be removed from their situations. The active part they have all taken in the late villanies render them unfit for the high and important duties they are called upon to perform. The late inquiries having been conducted in the civil court, many acts which are beginning to shew themselves under the former mode of trial have not now been fully brought to light: enough, however, has still appeared, to warrant the assertion that all the Commissioners have been privy to the late transactions, and have contributed, in a great degree, towards upholding the system of villany which has for so long a period been practised with success. In a former letter I had the honour to announce my intention of pointing out what appeared to me palpable objections to the appointment of these officers, under the rules and regulations which now obtain. I take this opportunity of urging these objections, and trust that they will be received as the suggestions of a person lately employed in an arduous investigation, during the course of which he has had ample opportunities of appreciating the evils he is now anxious to remedy. The first objection is the peculiar nature of their emoluments, and the sources from which these emoluments are drawn. At present they are made entirely to depend upon the spirit of litigation which prevails in their respective jurisdictions; it becomes, therefore, an object of serious moment to introduce this spirit where it does not exist, and to keep it alive when it commences to fail. Their receipts depending on the number of causes referred to them for decision, no means are left untried to supply the file with a constant succession of suits. Claims long since become antiquated have been received in the absence of more recent matter, and when these have failed, no doubt recourse has been had to fraud and invention to set up demands, which whether just or otherwise, must in either case enrich the Commissioner and support him in office. The means of effecting all this, if not immediately derived from, are undoubtedly greatly assisted by that provision of the Regulation, which requires that the jurisdiction of each Commissioner should be confined to that district in which his possessions are situated, in which indeed (as is the general case in Canara) he has probably resided from his earliest infancy. This residence gives him an influence among the higher class of inhabitants, and confers a considerable degree of controul over the lower order; it creates a general interest in every occurrence, and some

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some particular feeling or consideration towards every person, and when the means of promoting the one or of gratifying the other are within reach (which by the nature of the public situation is unfortunately too often the case), no checks will, I fear, deter from abuse, no penalties will be found a sufficient guard against the infirmities of nature. If private interests should be found rather injured than advanced by this institution, I am extremely apprehensive that it will be in vain to look for any counterbalancing benefit to those of the public. The Canara file affords abundant proof of the evils to which the institution is subject. Petty suits, which previous to the appointment of these officers were comparatively few, increased considerably on their introduction, while the subject of these suits became daily more and more objectionable: circumstances which clearly evince that the public interests have been impeded by those means which were considered calculated to effect their advancement. The above objections are possibly applicable to every zillah in which the appointment of Commissioners is introduced, and even these, weighty as they undoubtedly are, may not be found the only ones to which the system is liable. The great influence these officers possess, enables them to commit many irregularities and oppressions, which in so extensive a zillah, the small establishment of police and other officers cannot become acquainted with, even if they should be disposed to exert themselves to this end. The oppressions which have already been discovered consist in their compelling the lower class of people to work in all kind of ways without remunerating them for their labour, and in beating and confining them if they make any opposition or remonstrance; in their forcibly possessing themselves of the estates of the higher, and extorting from them the necessaries of life, and other commodities, at an inferior price than that the article bears in the market. These are the irregularities practised in their private capacity, and which undoubtedly owe their success to the influence derived from the public situations these officers enjoy. It is true that a representation of these circumstances would have always ensured the sufferers redress; and all with whom I have conversed have declared themselves perfectly sensible of that fact, but none have been found willing to proceed any distance to effect this object. The expense and personal inconvenience attending such complaint is adverted to, and apprehended (more than the continuance of the original evil) by a set of men, who with a few exceptions have never left their talook, and whose peregrinations have seldom extended beyond a few miles of the very house in which they were born. The police officers and court Peons have likewise contributed in a material degree to the support of the late system: their good-will and connivance was necessary in almost every act, and was insured by occasional trifling loans of money, and the exercise of other petty good offices which the head men found their interest in shewing them. The whole of these officers, also, must of necessity be dismissed, in order, by example, to secure a more faithful discharge of duty in future.

Having enumerated the description of officers who were principally concerned in the late iniquities, and adverted to the causes which have contributed to its support, I consider it now my duty humbly to point out one remaining cause, which as it probably first induced the ministerial officers to swerve from their duty, may be considered as having led to the commission of every subsequent outrage and oppression. I allude to the comparatively trifling salaries prevailing throughout the judicial department. The head ministerial officers of every court of justice are obliged to be selected from the highest and most respectable class of natives: their responsibility is greater, their duties more arduous, and their temptations stronger and more frequent than in any other line; while their allowances, instead of being in proportion to these weighty considerations, are lower than those of any other public servant, and in Canara scarcely sufficient to support them in that rank of life in which their situation compels them to move. This is an evil of serious moment, and one which I beg leave earnestly to recommend to the particular notice of Government. The removal of the whole of the court servants I beg leave likewise to urge; and I request to be honoured with early orders on this subject, as the business of the courts which has fallen considerably in arrears during the late inquiries, cannot be properly conducted without the appointment of a new and efficient establishment.

I cannot

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I cannot conclude this letter without again expressing to his Excellency the Governor in Council, how sincerely I have been affected at the late unhappy occurrences. It is a consolation, however, to reflect, that a strict and candid retrospect brings to recollection no blind repose of confidence, no unauthorized delegation of authority, no dereliction of public duty, which could have given birth to these villanous designs, or have encouraged such wicked proceedings. The high character the two servants bore, on commencing their judicial cases, the uncommon abilities and alacrity they always evinced in the discharge of their public duty, placed them high in my estimation, and induced me to consider my court as unusually well appointed. These public qualities, which to the latest hour were not observed to diminish, were of themselves sufficient to entitle the possessors to consideration; and when united in private life (as the consummate art of these men made it appear) with a charitable disposition towards the poor, a lively interest in the distresses of the unfortunate, and the strictest attention to morals and decorum, they became infinitely more estimable and commanded respect. Their native deformity of character is now fully exposed: an exposure for which the public are principally indebted to the zealous exertions of Mr. Gahagan. In bearing testimony to this gentleman's merits, it is but justice to declare, that I am indebted to him for the first information I received of these iniquities, and for every co-operation and support in any subsequent inquiries, which abilities, added to an anxious solicitude to detect abuse, could possibly afford. I acquit myself of a pleasing duty I owe the Government, in submitting to their particular notice the services of a public officer, who has distinguished himself so much on the late occasion, and whose career of public life has commenced under circumstances so highly creditable to himself and so flattering to the interests of his employers.

I feel myself called upon also to acknowledge, in the strongest manner, the services I have received from Mr. Read, the Collector, and Mr. Campbell his Assistant. I am sensible that the former gentleman's public character is too firmly established to derive additional repute from the most flattering testimony I can bear to his merits: I should, however, be deficient in duty, were I to omit assuring his Excellency the Governor in Council, that the cause in which I have been engaged has derived every assistance from the cordial co-operation of Mr. Read, as also from the exertions of Mr. Campbell, who proceeded at the shortest notice to the estates of the head servants to search for and secure their property, a service which he performed with great alacrity and success.

I beg leave also to recommend to the favourable notice of Government the services of Narnapah, who was one of the first to come forward with information and charges against the head-men, and has afforded much valuable assistance in the subsequent examination. This person was formerly employed as Government Vakeel in the Mangalore court, from which situation he was removed by orders of the Sudder Adawlut; it is not desirable, therefore, that he should again be employed in the judicial department, although his services have been very essential in the late investigation. I should rather recommend, that a compensation should be granted him, and beg leave to propose that the sum of one hundred and fifty or two hundred Star Pagodas be presented to him for his services, a reward to which he has proved himself entitled, and which will encourage others to make similar disclosures, if future abuse in this, or any other public department, should render such disclosure necessary.

The two ministerial officers have been detained in restraint until the present time, as well in consequence of information I received, at the commencement of the inquiry, of an attempt one of them had made to suborn evidence, as on account of charges preferred against them of having prevented two cases of murder, and other serious complaints, from being brought before me: the proof of which interference was so strong, that I have since committed them to take their trial before the circuit court. Independent of this, the property found in their possession was greatly inadequate to answer the demands existing against them: a circumstance which gave just grounds for suspecting that they would abscond if left at liberty, and rendered their detention a measure of the most imperious necessity. They have given security, in the amount of four thousand rupees each, for their appearance before the circuit court to answer

to

to the magisterial charge preferred against them, and have been sent under restraint to the provincial court to prosecute their appeals in the civil causes; and after the offended laws have been satisfied, with respect to the undue interference which they are charged with having exercised, and the sums finally decreed against them may be fully accounted for, it will rest with the wisdom of his Excellency the Governor in Council to issue his final mandates for their disposal.

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I must now most earnestly entreat of his Excellency the Governor in Council to feel convinced of the serious distress I have experienced from the late unhappy occurrences. The lesson of experience which the events of the last few months have afforded have made on my mind a deep and lasting impression, and will call forth my most strenuous exertions to repair the injuries of the past, and guard against the abuses of the future. The flattering confidence which his Excellency the Governor in Council has been pleased to place on my integrity demands every sentiment of gratitude, and will ever prove the most powerful incentive to persevere in a line of conduct, calculated to advance the interests of the Government under which I serve, and to merit a continuance of the approbation with which I have hitherto been honoured.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) A. WILSON,
Judge and Magistrate.

Zillah Court, Canara,
1st December 1813.

The following draft of a reply is read and approved.

To the Judge and Magistrate in the zillah of Canara.

Sir:

I am directed to acknowledge the receipt of your letter, dated the 1st ultimo, reporting on the decisions which have been passed against the head ministerial officers of your court, on charges of bribery and corruption. The Governor in Council proposes, as was intimated to you in my letter dated the 21st May last, to circulate such instructions to the Judges and Magistrates of the different zillahs, as may seem best adapted to detect and prevent abuses similar to those which have prevailed in Canara. The whole of your letters on the subject will be taken into consideration, with a particular view to that intention; but, before executing it, the Governor in Council would wish to ascertain the issue of one or more of the appeals which the parties have made from your decisions, and will expect you to furnish information on that point.

2. With regard to your recommendation, that all the native servants and Commissioners under you should be dismissed for connivance at the abuses which have been practised in your zillah, the Governor in Council conceives that it would be preferable that their dismissal should take place in the regular manner prescribed by Regulation V, A.D. 1811; or if that course of proceeding be attended with difficulty, or liable to objection, that the authority of Government (founded on Section 13 of the Regulation above quoted) should not be interposed, till the Government has seen reason to be satisfied of the misconduct of each individual who is to be dismissed.

3. The Governor in Council authorizes you to pay a reward of two hundred pagodas to Narnapah, who was one of the first to come forward with complaints against the ministerial officers; but it has not been thought proper to comply with a petition recently received from him, praying that he might be restored to public employment.

4. The Governor in Council has observed with satisfaction your renewed testimony to the assistance which you have derived from the other public officers in Canara.

I am, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George,
4th January 1814.

 EXTRACT

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 18th February 1814.

Madras Judicial Consultations, 18 Feb. 1814.

Read the following letter from the Judge and Magistrate at Canara.

To the Secretary to Government, Fort St. George.

Sir:

I have the honour to acknowledge the receipt of your letter of the 4th ultimo, and to inform you that I shall lose no time in communicating the issue of the appeals made by the head ministerial officers of this court as soon as the same is made known to me by the appeal court.

I have the honour, &c.

(Signed) A. WILSON,
Judge and Magistrate.

Zillah Court, Canara,
10th February 1814.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
21st February 1815.

Extract Letter from T. H. Baber, Esq. Judge and Magistrate of Canara, Dated 31st January 1815.

Madras Judicial Consultations, 21 Feb. 1815.

The system of rapine and extortion which have been carrying on throughout this zillah for so many years, on the part of the two late principal ministerial servants of the zillah court, having extended to the whole of the inferior servants, and considering how much the weight and authority of the court must have been lowered in the eyes of the people in consequence, it appears of the last importance that that agency, and the influence which still belongs to it, should be entirely annihilated; for until it is, it will, I fear, be in vain to expect that the most unwearied exertions on the part of the Judge and Magistrate will produce that conviction in the minds of the inhabitants, so necessary to resist and expose any similar future attempts to deceive them: and as the only effectual way to do this is by means of a direct communication with the whole of the inhabitants, and by dismissing every servant who may be found to have connived at these intrigues of the ministerial servants, or in any other way rendered themselves unworthy of public confidence, I beg to request the authority of Government to suspend the whole of the present court establishment, with the exception of the head magisterial servant (who alone seems to have acquitted himself to the satisfaction of the late Judge), and to go to whatever part of the zillah my presence may appear necessary, taking with me no servants but such as are wholly unconnected with those on the zillah court establishment.

Adverting to the number of civil causes on the file, the time that has elapsed since they were instituted, the suspension of all the Commissioners during the last eighteen months, and the great distance from the court of the districts above the Ghauts, I beg to submit, in the event of the Judges approving of the adjournment above proposed, that I may be empowered to investigate, as I go through the country, such of the civil causes as may have been brought forward through the intrigues of the ministerial officers and Commissioners, for the iniquitous purpose of extorting money from parties and witnesses, as reported in my predecessor's several letters to Government, and any cause the parties whereof may apply for, and the merits whereof may appear to call for immediate decision. I beg also to recommend, that the law officers of the court, who have done no duty since the 31st May 1813, as Sudder Aumeens, may be either reinstated or removed altogether from office, should there exist in the minds of the Judges the smallest grounds to suspect they have participated in, or in any way connived at any one of the iniquities committed by, or even charged against the other ministerial officers of this court. Both the Mooftee and Pundit presented petitions, under date 10th September 1814, to my predecessor,

decessor, requesting authority to resume their functions of head Commissioners; but as no order was passed thereupon by Mr. Wilson, I now forward their petitions for the orders of the Sudder court.

Madras Judicial Consultations, 21 Feb. 1815.

To the Court of Canara.

The Petition of Sudder Aumeen Mooftee Mowleve Nazeeb Oolla, dated the 9th September 1814.

A proclamation was issued on the 31st May 1813, suspending all the native servants from their duties, and therefore from that time to this day I have not decided any causes. On the 10th January 1814, another proclamation being issued that the civil court was opened, and having some doubt whether I can resume my functions, or whether I must have orders to do so, I have written this petition, that it may not be thought I have neglected to do my duty.

(Signed) NAZEEB OOLLA.

To the Court of Canara.

The Petition of Sudder Aumeen Pundit Anaychary, dated 9th September 1814.

A proclamation was issued on the 31st May 1813, suspending all the native servants from their duties, and from that time to this day we have not decided any causes. On the 10th January 1814, another proclamation having been issued that the civil court was opened, and having some doubt whether we can resume our functions or not, I have written this petition. Since my arrival to this day, besides the razeenamahs and the suits withdrawn, only three or four causes were decided by me. I have received fees seven rupees; and the balance, twenty-seven rupees, due on causes decided, is now in court. I have written this, that it may not be thought that I have neglected to decide suits. I request that orders may be given on this subject.

(Signed) ANAYCHARY.

True Copies.

(Signed) T. H. BABER,
Judge and Magistrate.

Ordered, in consequence, that the following letter be dispatched to the Register to the court of Sudder Adawlut.

To the Register to the Court of Sudder Adawlut.

SIR:

I am directed to transmit to you the accompanying copy of a letter from the Judge and Magistrate in the zillah of Canara, enclosing copy of a letter addressed by him to the Sudder Adawlut, and to state that the Right Honourable the Governor in Council is desirous, before furnishing any instructions to Mr. Baber, to be informed of the sentiments of the court on the points which he has brought under their consideration.

I have the honour, &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George,
21st February 1815.

EXTRACT

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 1st April 1815.

SENT the following letter:

To the Secretary to Government in the Judicial Department.

SIR:

Madras Judicial Consultations, 1 April 1815.

I am directed by the Sudder Adawlut to transmit to you the accompanying extract from the court's proceedings of this date, for the information of the Right Honourable the Governor in Council.

I have the honour, &c.

(Signed) R. CLARKE,
Deputy Register.

Sudder Adawlut, Register's Office,
20th March 1815.

Extract from the Proceedings of the Sudder Adawlut, under Date 20th March 1815.

READ letter, dated the 21st ultimo, from the Secretary to the Government in the Judicial department, requiring the opinion of the court on a communication from the Judge and Magistrate of Canara.

The Court direct that the receipt of the above letter and its enclosures be acknowledged, and that an extract from the proceedings of the court, under date the 22d ultimo, on the letter of the Judge and Magistrate of the zillah of Canara, dated the 31st of January, be transmitted, with extract of these proceedings, to the Secretary to Government in the Judicial department, for the information of the Right Honourable the Governor in Council.

Extract from the Proceedings of the Sudder Adawlut, under Date 22d February 1815.

The Regulations not having provided for the exercise of the judicial functions by a Judge and Magistrate moving about his zillah in the latter capacity, the Court cannot accede to the proposal made by Mr. Baber, that he be empowered to investigate certain civil causes as he goes through the country. The delegation of judicial power to the Register during the absence of the Judge can be authorized only by the Governor in Council, to whom the Judge will therefore apply for that purpose, should he continue to deem such a measure expedient.

The accusation against the Mooftee and the Pundit of the zillah court of Canara not being before the Court, they cannot pass any order for the restoration to those persons of the authority of Sudder Aumeen, or for their final removal from office.

Ordered, that extract of these proceedings be transmitted to the Judge and Magistrate of Canara, for his information and guidance.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 7th April 1815.

Extract Letter from the Magistrate at Canara, dated 14th March 1815.

Madras Judicial Consultations, 7 April 1815.

PAR. 6. THE unfavourable opinion of the court servants, as communicated in my letter of the 31st January, is, I am sorry to say, strengthened, the further I see into their characters. Their criminal silence during the late system

Madras Judicial Consultations, 7 April 1817.

system of terror and iniquity under Pootapah and Maudapah, and the motives thereof, are explained in my predecessor's letter under date the 1st of December 1813, and must destroy all confidence in such men; and the following circumstance, out of many which have come before my observation, will shew that the same attachment to the fortunes of these infamous men still continues, to the great hindrance of public justice.

7. On the file of criminal cases undecided are two complaints (No. 19) against Pootapah's brother, Ramapah, by two natives above the Ghauts, instituted so far back as September 1813, for having forcibly carried off from their houses two young girls of the Gamarick caste, who have not been since heard of. On the 15th of January I took up the case, and summoned the prosecutors and witnesses, and sent very particular orders to the Thannadars, to ascertain what had become of the girls; but, I am sorry to say, all my endeavours have as yet proved unavailing. One of the girls is reported to have died: the other, by name Bemee, the prisoner and his father report to have gone some months ago on a pilgrimage into the Mahratta country. One of the prosecutors the Nazir has not caused the attendance of: the other is reported to have died very shortly after the complaint was laid, and his brother and the principal witness, although they had been in attendance at the court for some days, were not reported agreeably to custom, and my repeated orders to the Nazir, and the latter has disappeared (and not improbably bought off) before I had an opportunity of interrogating him. But what confirms my suspicions of the guilt of Ramapah and the intrigues of the court servants is, that the girl Bemee, who is said to have gone upon a pilgrimage, was at Pootapah's house in Sedashigur when the Thannadars went there to demand her restoration to liberty, and has been since reluctantly carried out of the zillah to a place within the Goa territory, about fifty miles from Sedashigur; and I have certain information that during the inquiry a letter was received from the prisoner's friends at Sedashigur to his relation at this station, directed to the care of Jogupah the native Register of this court.

8. Another convincing proof how little the servants are to be depended upon is in the contingent charges. A quarterly account, ending in the month of January, I have been obliged to refuse affixing my signature to, not from any inquiry of the actual costs of the particular items, but from the absolute impossibility that many of the charges can be correct: for instance, rice, such as issued to prisoners, is charged at sixty-five rupees, when the price was only forty-eight rupees per corge; oil, at thirty-five rupees per candy, when the price was only twenty-two; fire-wood, three rupees per mille, when the price was only one and three-fourths; earthen pots, double and even treble their actual cost; sums charged in October and December for repairs to the gallows, the original construction of which could not have cost one-third of the sum charged, and a charge for a court bar, for treble more than it ought. But the most glaring fraud attempted has been to charge more than the actual cost for various articles supplied the jail and court-house since my succeeding to the charge of this zillah, notwithstanding all my care to provide against it, and my repeated warnings to the servants that I never would pardon an act of dishonesty or deceit. I forward, for the information of Government, copy of a letter I addressed to the provincial court upon this subject, and the orders I have received thereon, the first part whereof relates more immediately to these frauds; and if any further proof is required of the existence of illegal profits, it will suffice to state, that the sum total of contingent charges was three hundred and four rupees less the last month than in January, and seven hundred and fourteen rupees less than in December, exclusive of the reduction in the charge for jails, as reported in my letter, dated 31st January.* I have not had leisure to hold the inquiry ordered in the provincial court's letter, further than to call upon the servants implicated in these frauds for their defence, from which, however, as I fully expected, nothing satisfactory has transpired, and I shall not be able to go on with it until my return: and as I think I have shewn sufficient reason does exist to believe the servants unworthy of

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* Contingent Charges in December ...... Rupees	1,073	3	0
Ditto .... in January	783	2	0
Ditto .... in February	1[illegible]8	2	0

Madras Judicial Consultations, 7 April 1815.

of public confidence, I beg to renew the recommendation submitted, both by my predecessor and myself, to remove the whole of the court establishment, or at least such of them as are the least to be depended upon.

To the Register to the Provincial Court.

SIR:

Par. 1. I have the honour to report, for the information of the Provincial Court, a gross attempt on the part of the servants of this court to defraud Government, by charging considerably more for every article supplied to the jail and court-house than the current prices.

2. The nature and extent of these frauds for last month are explained in the accompanying indent upon the Collector for January's establishment and contingent charges; but should further evidence be required of the existence of great abuses, I have to inform the court that, under the arrangements I have carried into effect, the expenses for dieting the prisoners and providing current contingencies have been reduced twenty, and in some articles one hundred per cent., while the allowance to the prisoners has been increased.

3. I cannot inform the court who the individuals are who have participated in these illegal gains; and as such an investigation would take up a great deal more time than I can spare from the other duties of the court, I have confined my present recommendation to the dismissal of those who have prepared these false charges. These are the head English writers, who drew out and presented the indent for my signature; the Gomashta and Shroff, who wrote the Canarese accounts; and the Cutwall, who signed part of these charges; and also the Nazir, whose particular and bounden duty it is, but who has neglected to report these frauds carrying on by the other servants.

4. Since my detection of these improper charges, the English writer, Goveas, has brought me a corrected indent, which exhibits a decrease in the contingent expenses of Star Pagodas 18 30 44, though still the articles of rice and oil are charged for much higher than I have ascertained they should be.

5. I have further to inform the court, that I entertain considerable doubts whether the whole establishment is kept up. I have received applications from some of the Thannadars, some for their full establishment, others for arrears of pay; and the explanation given by the court servants is so unsatisfactory, that I must send some confidential person to muster the Peons at every Thannah, as the only way to ascertain whether the number charged for are actually entertained.

6. To shew the Provincial Court how little dependance is to be placed upon the court servants in the most trivial duties, the annual statement, ordered by Section 19, Regulation IV, A. D. 1811, was brought a few days ago for my signature, when instead of finding the whole of the robberies and other heinous crimes &c. for one year, there were not the whole number entered in December's returns, and no notice whatever taken of the gang robberies ascertained and reported by the police officers to have been committed in that month.

7. Should the Provincial court coincide with me in the necessity of these removals, I propose, with the court's sanction, to fill up the vacancies from the other courts, and to nominate such of the servants to whom the change would be advantageous, and whom the Judges of the courts respectively might consider most deserving of promotion.

8. Since writing the above, I have received the court's precept, forwarding extract of their proceedings, dated the 6th, refusing to sanction the arrangement submitted in my letter under date the 2d instant.

9. In answer to the first of the court's objections I beg leave to explain, that the services of one of the Canarese Gomashtahs can be dispensed with, which under the provisions of Section 24, Regulation I, A. D. 1809, is a sufficient ground for recommending his removal; and as a Malayalum writer is indispensable, I naturally give the preference to a servant in whose ability and integrity I can rely, over one I know nothing about. And in regard to the second objection,

objection, I beg to observe, that a great portion of the coast merchants is composed of Moppillas, and that there are many hundred inhabitants in the southernmost parts of this zillah whose native tongue is Malayalum.

10. Within the short period I have been here, I have examined several persons in Malayalum, and there are many cases now pending, both in the civil and criminal courts, the proceedings whereof must be held in that language, under the provisions of Section 16, Regulation VI, A. D. 1802. Indeed, I entertain considerable doubts whether evidence recorded in any other than in the language the deponent understands would be legal. The only person, as I have before observed, in this court who knows any thing of Malayalum, is the Sheristadar, and my knowledge of that language warrants me in saying that he is incapable of taking correctly a deposition. As a specimen of his ability in writing, I beg to refer the Provincial Court to the confession of the prisoner lately tried by the Judge on circuit at this station for throwing her infant child down a well. The case is No. 1 on the additional calendar.

11. From long experience of Baboo Row's abilities, I know him to be totally unequal to the duties of his present situation. What my predecessor's opinion of him may be I know not, further than that his opinion of the servants in general in this zillah is most unfavourable: if, however, he has conducted himself to Mr. Wilson's satisfaction, he would in all probability get Marsinga Row's situation in North Malabar; and with every deference to the opinion of the Provincial Court, I cannot see the objections to the removal and appointment of native servants from one zillah court to another. There is nothing in the letter or spirit of Regulation I, A. D. 1809, or V, A. D. 1811, that militates against it: on the contrary, the professed object of these enactments is to select and secure in their appointments all persons who are properly qualified, and do discharge their duties with diligence, ability, and integrity; and where was I so likely to find such servants as in a court of judicature, and especially in one where I have such an intimate knowledge of the characters and abilities of every one of its officers.

12. That advancement and promotion should be equally open to native servants as to ourselves, cannot, I think, be denied. I have ever acted upon this principle towards my servants, of which the two Baboo Rows are striking instances. Both of them resigned their situations in the court of zillah North Malabar, and both were afterwards appointed to superior situations, one in this, the other in the Provincial Court; and if I am not greatly misinformed, many other instances may be adduced of the removal and appointment of native servants from one court to another.

I have, &c.

(Signed) T. H. BABER,
Judge and Magistrate.

Zillah Court, Canara,
10th February 1815.

PROVINCIAL COURT (L. S.) WESTERN DIVISION.

To the Judge and Magistrate in the zillah of Canara.

Pursuant to an order of this court you will herewith receive an extract from its proceedings under this date, for your information and guidance.

Given under my hand and the seal of the court, this 15th day of February 1815,

(Signed) F. HOLLAND,
Register.

Extract from the Proceedings of the Provincial Court in the Western Division, under date 15th February, A. D. 1815.

Re-perused the letter from the Judge and Magistrate of the zillah of Canara, recorded the 10th instant.

The Judge and Magistrate reports that he had detected a gross attempt on the part of the native servants of his court to defraud Government, in having charged,

Madras Judicial Consultations, 7 April 1815.

charged in the monthly indent on the Collector for the establishment and disbursements of the zillah for the month of January, considerably more than the current price for various articles supplied the jail and court house under the head of contingent charges.

The Judge and Magistrate hath transmitted with his letter the indent on the Collector as first submitted to him for signature, containing the exceptionable charges in question, with his remarks on each item, and a statement subjoined, shewing the alterations, both in quantity and price, of the articles charged made therein in consequence of his having referred back the account for correction.

The court can have no hesitation in concurring with the Judge and Magistrate, that those of the court servants who shall appear to have been principals in, or who have connived at these fraudulent practices, merit dismission from their situations: but it is not in the present stage of the development of these delinquencies, prepared to sanction the dismission as recommended by the Judge and Magistrate of the officers named by him, viz. the head English writer, a Gomashtah, Shroff, Nazir, and Cutwall.

Justice seems to demand that farther inquiry should be made, that those accused or implicated should be heard in their own exculpation, and it should be more accurately ascertained on whom the responsibility for the fidelity of the contingent charges rests.

The Judge and Magistrate having stated that he has made arrangements in that respect, so as to preclude the recurrence of similar frauds, no public detriment can ensue from the delay that the further investigation for the purpose of ascertaining the above-mentioned points will of necessity create.

The Provincial Court remarks, that the Judge and Magistrate has expressed the same intention in respect to the filling up the vacancies which would be occasioned by the court's sanctioning the dismission of the five native servants above-mentioned, as in his reference of the second instant he has proposed in regard to the Sheristadar and Canarese Gomashtah, viz. from among the officers of the other zillah courts.

In the letter now under consideration, written subsequently to the receipt of the sentiments of the court on his former proposition in respect to the Sheristadar and Gomashtah, the Judge and Magistrate combats the opinion therein expressed in disapprobation of the principle of taking away the native servants of one court for the purpose of supplying the vacancies in another, and re-urges the expediency of the court's compliance with his recommendation for the removal of the Sheristadar and Gomashtah, and supplying their places with the two native servants named by him, now in the establishment of the zillah court of North Malabar.

As to the question, generally considered, of the expediency of transferring the native servants of one court to fill up vacancies in another, the court still continues in the sentiments already expressed.

It is convinced that the greatest embarrassment and hindrance to public business would ensue in the court, deprived of its officers experienced in the business of that court to which they may have been attached, which must in most instances be very different from that of any other to which they might be transferred, and that whatever temporary accommodation and conveniences such might be productive of to this latter, it would be at the expense and to the detriment, in at least an equal proportion, to the former.

The Provincial Court has on several occasions sanctioned the appointment of a native officer belonging to one court to another, on his resignation of such prior office; but it has been invariably under the belief, that in this particular instance it could not be productive of any injury to the public service, or create any inconvenience to the court from which such officer might have been transferred.

But the Court cannot admit of the eligibility of the adoption of this practice to the extent contended for by the Judge and Magistrate of Canara, who appears to wish to establish the principle, that the courts are to be considered

as

as a sort of nursery, from whence all vacancies in the others are to be supplied, and that they may be drawn upon at pleasure, merely leaving to the Judge of that court the privilege of naming those to be thus transferred. Madras Judicial Consultations, 7 April 1815.

The sanction of the Provincial Court to the Judge and Magistrate's proposal to dismiss the Canarese, and to appoint a Malayalum Gomashtah in his stead, does not fall within the scope of the authority vested in it by Regulation V, 1811. It involves clearly a modification of the establishment already sanctioned by Government, and agreeably to the provisions of Section 12 of the said Regulation, must be submitted for the decision of Government through the prescribed channel.

In regard to the reiterated recommendation by the Judge and Magistrate of the removal of the acting Sheristadar Balwee Row, on the grounds of the opinion of his incapacity, with which the Judge and Magistrate seems to be so firmly impressed, the court will defer passing a final opinion thereon, till the receipt of the answer to the reference made on the 13th instant to the Judge and Magistrate of North Malabar connected with the subject.

Ordered, That copy of the above be sent to the Judge and Magistrate of Canara for his information and guidance.

(A true extract)

(Signed) F. HOLLAND,
Register.

EXTRACT LETTER *from the* SECRETARY *to* GOVERNMENT *to* Mr. BABER, *the Magistrate of Canara, dated 7th April* 1815, *in Reply to his Letter of the 14th March* 1815.

Par. 3. THE Governor in Council leaves you at liberty to suspend from employment as many of the court servants as you have reason to believe unworthy of confidence, but the proof of their delinquency must ultimately be established in the regular manner prescribed by the Regulations. Letter to Magistrate of Canara, 7 April 1815.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS, *The 17th July* 1815.

READ the following letter from Maudapah.

To David Hill, Esq. Secretary to Government.

I beg leave to inclose a petition directed to the Right Honourable the Governor in Council, which I request may be delivered at the next council day, or at your convenience. I humbly trust that no umbrage may be taken by this intrusion, as I am constrained to do so for want of a remedy to bring my case to the notice of Government, which I am confident the present channel will be the only means of having a hearing, and which favour I shall ever esteem. Madras Judicial Consultations, 17 July 1815.

I am, &c.

(The Signature of MAUDAPAH.)

Madras, 5th July 1815.

To the Right Honourable Hugh Elliott, Governor in Council of Fort St. George, &c. &c. &c.

The humble petition of Maudapah, an inhabitant of Canara, under the Government of Madras,

Humbly sheweth:

That your petitioner, supported with the conscience of meeting every favourable consideration which the peculiar circumstances of his case demands, humbly acquaints your Lordship in Council,

That

Madras Judicial Consultations, 17 July 1815.

That your petitioner was formerly in the service of the Collector's office at Mangalore, as a Mahratta writer under the head Sheristadar, where your humble petitioner served seven years, and quitted it on being appointed a Foujdarry Sheristadar to the zillah court of Canara.

That during your petitioner's employment in the latter place, your petitioner witnessed several complaints being brought to the Magistrate, complaining of pillage committed in the district of Canara by a gang of ruffians issuing from the Mahratta states which border on the side of Canara, and several attempts were made to apprehend and bring them to punishment, but by the assistance of their chief Poligar, who divides the spoil with one Narrain Row, the Peishcar of the talook of Soupah, in the district of Canara, they avoided a discovery; but in order that the pillage might be carried to a greater extent without discovery or molestation, Narrain Row attempted to procure for the Poligar five villages in the district of Canara, but failed in his application to the Collector.

That while the deputy Collector was proceeding from Mangalore to settle the kist of Jummabundy for the year 1812 in the district of Canara, Narrain Row conveyed him to the Poligar, where they exchanged presents, and Narrain Row prevailed upon the deputy Collector to issue an order for the grant of five villages to the Poligar, which were assigned him by Narrain Row in the district of Canara.

That after the grant and assignment of these villages to the Poligar, several depredations and robberies were committed with impunity in the neighbourhood of Canara, by the persons under the protection of the Poligar and Narrain Row, *Sic orig.* several complaints whereof were laid to the Magistrate, and your petitioner then acquainted him (who was ignorant of the circumstances) that the Poligar was in possession of the five villages, and that consequently his men were committing the injuries: on which information the Magistrate wrote a letter to the Collector, who wrested the villages from the Poligar, and thereupon, by the orders of the Magistrate, your petitioner and a guard of fifteen Sepoys and twenty-five Peons proceeded to the Mahratta dominions, and traversed the woods and villages, where after a discovery and search for three months, suffering all kind of privation and distress, your petitioner apprehended two hundred Peons who were implicated in the robberies, and brought and delivered them to the Magistrate of Canara, who placed them in confinement.

That all the above proceedings were by a letter duly communicated to Government, wherein also your petitioner was highly commended for his services.

That Narrain Row and the Poligar having combined with one Nagapah, one Nernapah, and one Nelly Roy Timmapah, the inveterate enemies of your petitioner, for the purpose of devising means to injure your petitioner for giving the information and apprehending the robbers, shortly after the above event had an interview with the deputy Collector, when he was on circuit to settle the kist of jummabundy for the year 1813, in which they represented that your petitioner had used every means to injure his reputation and authority, and requested that he, Mr. Campbell, would in return use every means to injure your petitioner; and upon the false information then given against your petitioner, he, the deputy, hastened from his public duty, and gave information against your petitioner for bribery and corruption to the Magistrate of Canara, upon which your petitioner was summoned and attended at ten in the morning to answer the charge; but finding at six in the evening no examination took place, your petitioner departed to his house, but was brought back by a Peon and examined by the Magistrate in the presence of Mr. Gahagan, the Register, and afterwards sent under a guard of Sepoys and Peons to his house, who closely watched his house all night, and he was brought and confined next morning in a godown near the court, where he remained from Saturday till the following Tuesday, when he was removed to the criminal jail; but on the day preceding his removal, Mr. Wilson, the Magistrate, in company with Mr. Gahagan, took a guard of Sepoys and Peons and a number of convicts, with iron instruments, to dig up the earth for discovery of treasure, and proceeded to your petitioner's women, and plucked out their ornaments, and confined them, and afterwards searched for and took away title deeds, bonds, accounts, documents, vouchers, money, jewels, and household furniture, to the value of 23,500 pagodas and upwards, and afterwards

wards proceeded to dig up the earth, and took away all the property concealed there, some part of which property hath been plundered and lost, and the rest has been confiscated and deposited in the hands of the Magistrate.

That for the purpose of procuring evidence to condemn your petitioner of the charges given against him, several evidences were called, who could not prove any thing against your petitioner, and in consequence thereof were put in close confinement, and the property of Dausabut Anunthapah, Auchurny Beekapah, Sambasatree, and Kuthree Beekapah, were plundered and taken away, and after a privation of three months' confinement, which almost produced the horrors of death, Dausabut and his wife and son were removed from their confinement, and all of them perished in the space of a fortnight.

That after your petitioner's removal to the criminal jail, he was not suffered to have any sustenance or drink for seven days; and when he was about to expire, the Magistrate ordered him to take luncheon once a day, which was given him for fifteen days: but when Mr. Gahagan attended in jail and found your petitioner was supported by luncheon, he ordered that your petitioner should not receive any, but to die with starvation, and your petitioner in consequence had no sustenance or drink for twelve days. When in a dying state, the Magistrate in company with Mr. Gahagan and certain of his servants came to behold your petitioner in jail, and finding him in the state described, they ordered the servants to put water on his breast, eyes, and body, to discover symptoms of life, which they found was yet remaining when the servants had thrown the water, and thereupon ordered to give your petitioner luncheon, by which he became revived.

That your petitioner continued in such confinement for eight months, and during the first three months was loaded with fetters.

That during such confinement all the lands belonging to your petitioner were sequestered and sold, and the property of your petitioner's father and brothers at Sadashedad were sold and confiscated by the deputy Collector, on account of the charges given against your petitioner, and your petitioner's father and brothers were unjustly seized and confined for several months without any cause whatsoever.

That a proclamation, by beat of tom-tom, was also issued and proclaimed by the Magistrate in the neighbourhood of Canara, inviting persons who had any charge, or could give any evidence against your petitioner, to come forward and explain the same; but no persons ever came forward to alledge any thing against your petitioner, and he was in consequence, after eight months false imprisonment, released upon an examination by the circuit Judge.

That all and singular the premises being arbitrary and oppressive, and conducive of much injustice, your petitioner therefore humbly prays your Lordship in Council will be pleased to order that a due investigation be had into the several circumstances above stated, and that all the property and lands of your petitioner, which have been unjustly plundered and confiscated, be made good, and restored to your petitioner, and that a compensation of damages, proportionate to the injury, may be made to your petitioner for false imprisonment, and that an inquiry may be made into the circumstances attending the death of the three persons above described; and that your Lordship in Council will be pleased to determine thereupon, and grant such relief as in your Lordship's wisdom shall seem meet.

And your petitioner, as in duty bound, shall ever pray.

(The signature of MAUDAPAH.)

Madras, 5th July 1815.

Ordered, in consequence, That the following letter be dispatched to the Judge and Magistrate at Canara.

To

To the Judge and Magistrate at Canara.

Madras Judicial Consultations, 17 July 1815.

SIR:

I am directed by the Right Honourable the Governor in Council to refer for your investigation and report the annexed copy of a petition presented to Government by Maudapah, an inhabitant of your zillah.

I am, Sir, &c.

(Signed) DAVID HILL,
Secretary to Government.

Fort St. George,
17 July 1815.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
13th October 1815.

READ the following letters from the Magistrate at Canara and from Maudapah.

To the Secretary to Government, Fort St. George.

Madras Judicial Consultations, 13 Oct. 1815.

SIR:

I have the honour to aknowledge the receipt of your letter, under date the 17th ultimo, forwarding, for my investigation and report, copy of a petition furnished to Government by Maudapah, an inhabitant of this zillah; and however irksome the task is to me to investigate charges preferred against my fellow servants, yet as I never have, so I never will shrink from the execution of any duty my honourable employers may think proper to commit to my execution. I have, accordingly, to acquaint you, for the information of the Right Honourable the Governor in Council, that I have summoned all the persons whose names are mentioned in that petition, and as the petitioner was at the presidency, I advised the father and brothers of the orders I had received, and wrote to the Collector for the information of his head assistant, Mr. Campbell, and also to the late magistrate, Mr. Wilson, and forwarded to the latter gentleman copy of the despatch I had received from Government, for any observations he might have to offer thereupon, and requested him to mention the names of any persons he might wish to be called before me, and further to authorize some person, European or native, to be present during the investigation. In consequence of the petitioner's accusations of severe indisposition occasioned by inhuman treatment while in jail to himself and to others confined on his account, I also called upon the zillah surgeon for his report, whose answer I have great pleasure in transmitting for the information of the Right Honourable the Governor in Council. This day, however, the enclosed letter has arrived in answer to my address, dated Madras, 28th July, from Maudapah, requesting that the examination may be deferred until his arrival at Mangalore about the end of September, and which has determined me to stay further proceedings until that period, unless I receive the orders of Government to the contrary.

I have, &c.

Zillah Court, Canara,
4th August 1815.

(Signed) T. H. BABER,
Magistrate.

To T. H. Baber, Esq. &c. &c. &c. Canara.

HONOURED SIR:

With all humility and submission I beg leave to forward these few lines, and thereby to acquaint your Honour that, in consequence of the persecutions of my enemies and the total confiscation of all my property at Canara, I come to this place to seek redress for the injuries I had sustained, and for the recovery of my property, for which purpose I delivered in a petition to Government

Madras Judicial Consultations, 13 Oct. 1815.

ment on the 5th instant, who, by their Chief Secretary, directed me to proceed to Canara, to attend upon your Honour for an investigation into the circumstances contained in such petition for the further consideration of Government; but I beg leave to acquaint your Honour, that since my arrival hitherto, I have been much indisposed, and cannot, with any propriety, undertake an immediate journey without endangering my health; but as I expect to be able to make a journey within a month, I humbly request your honour will be pleased to defer the examination until my arrival, which will, in all probability, be by the end of September.

I am, &c.

(Signed) MAUDAPAH.

Madras, 28 July 1815.

To T. H. Baber, Esq., Judge and Magistrate, Zillah Canara.

SIR:

I have the honour to acknowledge the receipt of your letter of yesterday, in answer to which I have to state that I have examined the hospital lists of patients, and find that none of the six men you mention (viz. Dewsa Chest, Anunthapah, Dauchery, Bekepah Same Sastree, and Kuthree Beekpah) have been under my care.

With regard to Maudapah, I recollect that once, previously to his confinement in the common jail, he sent for me to see him, stating that he was unwell. He was, at the time of my seeing him, in custody in a room at the back of the court-house: he had free egress to a yard, and appeared under slight restriction only, his family visiting him and bringing him his victuals. His illness was not of a nature to require medical treatment, proceeding entirely from his sullen obstinacy in refusing food: however, after a great deal of persuasion he was induced to eat, and of course recovered his strength. From this place he was removed to the common jail, and at no time was his bodily health such as to render it necessary for him to be admitted into the hospital.

I have, &c.

(Signed) L. G. FORD,
Assistant Surgeon.

Mangalore, 2d August 1815.

To the Secretary to Government, Fort St. George.

SIR:

In continuation of my letter, dated 4th instant, I have the honour to submit, for the information of the Right Honourable the Governor in Council, two original letters from the Collector (Mr. Read), and one from the late Magistrate (Mr. Wilson), forwarding a statement of the occurrences on the subject of Maudapah's petition. In the fifth paragraph of the latter document a communication with Mr Read is noticed, which seemed to call for that gentleman's observations. His reply to that call is herewith forwarded, as well as copy of a letter from the zillah surgeon (in answer to a late reference I had occasion to make to him), the last paragraph of which would make it appear that his letter, dated the 2d instant, forwarded in my letter of the 4th instant, is not quite so conclusive as I was then led to suppose. I have, of course, directed the surgeon to include in his future daily reports every description of sick under his charge. I think it proper also to state, that the indiscriminate confinement of convicts and civil debtors in one prison, as noticed in Mr. Wilson's letter, has not existed since my succeeding to the zillah.

I have, &c.

(Signed) T. H. BABER,
Judge and Magistrate.

Zillah Court, Canara,
18th August 1815.

To

Madras Judicial Consultations, 18 Oct. 1815.

To the Magistrate in Canara.

Sir:

I have the honour to acknowledge the receipt of your letter, together with its accompaniments, and to forward you a simple detail of occurrences which form the subject of Maudapah's petition.

I am not aware that the presence of any person on my behalf is at all necessary for the ends of justice. It may, however, be satisfactory to all parties; I therefore suggest that Mr. Read be permitted to attend.

I have, &c.

(Signed) A. WILSON,
Late Magistrate.

Tellicherry, 8 August 1815.

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sic. orig. Par. 1. The petition of Maudapah is so totally false in some, and so grossly exaggerated in all the circumstances detailed, that any observation would almost appear unnecessary; the more especially as the Government were regularly apprized of the measures I pursued, and kept acquainted, from time to time, with all my proceedings on the occasion. I shall endeavour, however, to give a concise account of what occurred, to enable you to execute, with as little delay as possible, the commission with which the Right Honourable the Governor in Council has been pleased to invest you.

2. I was informed, some time in ———, that the petitioner and the head native servant in the civil department had been engaged in a series of corrupt practices. This information was at first so undefined, and so much at variance with the general good characters of these servants, that I did not consider it entitled to much belief: I however pointed out the way in which the subject should be publicly brought forward, and the next day three or four specific charges were instituted and sworn to in court. I thought it necessary to place a guard at the house of petitioner and his associate, as well to convince the inhabitants that situation in office could afford no security to delinquency, as to guard against the possibility of making away with any of the property which the petitioner and the other servant were accused of having dishonestly acquired. I was about to proceed in the investigation of the suits which had been then preferred, when I was informed that some secret arrangements were then in agitation to enable the petitioner and the other servants to leave the zillah by water. It became necessary to counteract these plans by securing their persons; I therefore removed them to a room in the court-house under a guard, at the same time assuring them that if their so strongly protested innocence should be established, ample satisfaction should be afforded for the indignity they suffered. The information I continued to receive was so corroborative of the various charges which continued to be preferred, that I thought it necessary to search the house of the petitioner and the other servant, which were said to contain a vast quantity of treasure, the fruits of their nefarious practices. I accordingly proceeded in person to the spot, when the first thing that presented itself was a number of papers, half concealed in a dunghill, together with various articles of brass and silver furniture, which had not been completely buried: I therefore ordered the compound to be dug up, and discovered several dufters containing an immense quantity of papers, and some boxes containing several thousand pagodas, all buried a considerable depth in the ground. The situation of life in which the petitioner was, rendered it impossible that he could have acquired this mass of wealth by honest means. His circumstances when first employed as a servant of Government were far from affluent: he had only been in office about twelve years, and had never received more than ten or fifteen pagodas a month; it appeared evident, therefore, as he had no other ostensible means of acquiring wealth, that there must have been some secret source from which these treasures were derived, and the discoveries which took place on searching the house, and the variety of complaints of corruption, &c. &c. preferred against him, left no doubt as to the nature of these resources.

3. The

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3. The papers and property were therefore instantly removed: the latter were made over to the Collector, for safe custody, and the former sealed up and deposited in court. The assistant Collector was deputed to search the houses of petitioner situated on his family estate, to seize the treasure which was said to have been lately removed thither from Mangalore, and to attach all the landed property in his possession, part of which, it was reported, had been recently acquired. This was accordingly performed by the assistant Collector, and the landed estates made over to the Collector in trust. These arrangements for the security of the property having been completed, it became an imperious duty to bring to justice such unprincipled violators of public trust, and to hold out every possible encouragement to the injured to come forward with their complaints. The power which public situation confers was too firmly established to expect co-operation from the aggrieved, until all undue influence was effectually destroyed, and until the means which the petitioner and his associate had too successfully resorted to for suborning evidence had been completely cut off. The only method by which these important objects could be effected was by close and strict confinement, I therefore ordered the petitioner in irons and sent him to the jail; at the same time I announced to the inhabitants the measures which had been taken, and invited the aggrieved to make known their injuries, assuring them of speedy and substantial redress in all cases of established suffering. These circumstances were all reported to Government at the time, and in the letter communicating the general approbation of that high authority to the measures which had been adopted my particular attention was directed to the object of securing all the property of the petitioner and his associate, whether honestly or otherwise acquired, to answer the demands which might eventually be established against them.

4. The prison to which the petitioner and the other head servant were removed was that in which the convicts and the civil debtors were indiscriminately confined, and with the exception of a few days (I believe about six in which the same allowance of wholesome food distributed to all the prisoners was offered also to them, with ample means of cooking it by their own caste people) the petitioner and his associate were allowed to procure any victuals they pleased from their own houses, and to follow, as far as confinement would permit, the ceremonious usages to which they had been daily accustomed. It is true that the petitioner rejected, until greatly reduced, every kind of nourishment; but this was an act of his own, not compelled by any cruel treatment or by the privation of the usual necessaries of life; it appeared an act of sullen resentment, induced by the detection of his villanies, by the despair of escaping with impunity, and by the chagrin arising from the disappointment of his guilty hopes. The petitioner was detained in jail until the completion of the suits preferred against him, and was then sent under a guard to the provincial court to prosecute his appeals, the result of which you must be well acquainted with. Most of my decrees have been confirmed, and the guilt of the petitioner stands thus conclusively established. This is a correct account of all which has occurred. It has already been communicated to Government, and will be established by the testimony of Mr. Read and Mr. Campbell, who were both present at the time and privy to the transactions. Ternapiah, the Government Vakeel, the late Nazir, the jailor, the head Magistrate's officer and Gomasthah, Soobao Row, can depose to the occurrences which took place in jail, and generally to all other matters connected with the inquiry. The confinement in irons is the only measure liable to objection, and the strict letter of the law may not perhaps recognize the propriety of this proceeding. It was resorted to when all possibility of innocence had ceased to exist, and under the solemn conviction, in which I shall be joined by Mr. Read and Mr. Campbell, that it was the only alternative by which the intriguing attempts of the petitioner and his associate to suborn evidence could be counteracted, by which the timid could be induced to come forward with their complaints, and by which the important investigation I was then engaged in could have been brought to so speedy and successful an issue.

5. It is hardly necessary to advert to the gross falsehoods contained in the former part of the petition. The services so much boasted of by the petitioner were performed by a party of military, who accompanied me into the Mahratta

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ratta country. The petitioner was present on the occasion, and certainly made himself very useful: a circumstance which was duly brought to the notice of Government. The transaction termed a grant of five villages to the Poligar, as far as I am acquainted with it, was nothing more than the appointment of a Dessai, who resided on the boundary, to the situation of village Potail; and when I heard of this appointment I mentioned the circumstance to Mr. Read, who agreeing with me as to the impropriety of the arrangement, removed the Dessai from the situation and appointed some other person.

6. I had almost omitted to mention, that several people were apprehended and subjected to temporary restraint, for attempting to thwart, by underhand means, the measures I was pursuing, and to afford encouragement and protection to the petitioner and other head servant. Dhass Bhull, I think, was among the number, and if I mistake not, made himself particularly active in removing from the petitioner's house several bags of treasure and secreting them in his own: they were discovered concealed in the house or under the thatch of a wall, and Dhass Bhull was put under restraint, either in his own house or removed to one of the jails. The period of this confinement was very short, and the treatment of those who suffered it such as could not have occasioned the catastrophe said to have resulted, which, on inquiry, may not be found to have occurred.

The persons whom I have mentioned as privy to all the other transactions are no doubt acquainted with this, and will be able to afford more positive information than I can.

(Signed) A. WILSON,
Late Magistrate of Canara.

Tellichery, 8th August 1815.

To the Judge and Magistrate in Canara.

SIR:

I have the honour to acknowledge the receipt of your letter under date the 31st ultimo, giving cover to an extract of a petition presented to the Honourable the Governor in Council by Maudapah, lately employed in the zillah court of this province. Previously to furnishing the information required, it is necessary for me to remark that Maudapah is a man of an infamous character, and was discharged from his employment for the most corrupt practices.

In answer to the third paragraph of the petition I can state it to be entirely without foundation, and merely a malicious accusation against Narrain Row, the Soopah Peishcar, from a desire of revenge, in order to injure him, in consequence of the active part he took in detecting the corrupt practices of the petitioner Maudapah and his coadjutor Pootapah.

Respecting the fourth and fifth paragraphs they are equally false, with the exception that Maudapah may have accompanied the late Judge in his tour through Soonda, where he spent some time in order to organise the police of that part of the country, which has always been more or less molested with thieves from the Mysore or Mahratta countries, but not from the cause mentioned by Maudapah, no villages of any description having ever been given to the Poligars.

The accusation contained in the eleventh paragraph against my Assistant, together with those contained in the foregoing paragraphs, are entirely without foundation, dictated from a malicious desire of revenge for the part he took in bringing him and Pootapah forward, and in securing their property in the Ankola district, by order of the court, conveyed to Mr. Campbell by a precept of the then Judge, Mr. Wilson. The lands alluded to as having been sold were sold by desire of the court, and his brother was imprisoned in consequence of a decree of the same court.

I have, &c.

(Signed) ALEX. READ,
Collector.

Mangalore,
5th August 1815.

In

In consequence of the allusion made by Mr. Wilson in the concluding part of his fifth paragraph to a communication with Mr. Read the Collector, and nothing appearing on the records of the court upon the subject thereof, wrote the following letter to the Collector.

Madras Judicial Consultations, 18 Oct. 1815.

To the Collector in Canara.

SIR:

I deem it proper to forward for your observation the annexed extract of a paper received this day from the late Magistrate, Mr. Wilson, in explanation of the transaction referred to in the fifth paragraph of Maudapah's petition.

I have, &c.

(Signed) THOMAS BABER,
Magistrate.

Zillah Court, Canara, 10th August 1815.

To the Judge and Magistrate in Canara.

SIR:

I have the honour to acknowledge the receipt of your letter of yesterday's date, accompanied by extract of a report from the late Magistrate, Mr. Wilson, dated 8th instant, relative to the transaction referred to in the fifth paragraph of Maudapah's petition, and submitted for my observations thereon.

The transaction as stated by Mr. Wilson is perfectly correct. The appointment of the Kittoor Dessai to the potailship was made by my Assistant, Mr. Campbell, during his first circuit through Soonda, from motives of policy entirely, expecting thereby that from his influence in that part of the country bordering on Soopah the number of robberies and occasional murders would be greatly prevented. When the appointment, however, was made known to me, I agreed with Mr. Wilson that it was of an improper nature, and immediately wrote to Mr. Campbell, still in Soonda, to discontinue it and appoint some one else.

I have the honour, &c. &c.

(Signed) A. READ,
Collector.

Mangalore, 11th August 1815.

To T. H. Baber, Esq. Judge and Magistrate, zillah Canara.

SIR:

I have the honour to acknowledge the receipt of your letter of this date, together with a list of the sick in hospital as it stood on the 6th instant, desiring me to inform the court what prisoners in the hospital may, without prejudice to their recovery, be kept in irons. Below I subjoin a list of those whose recovery may perhaps be aided by allowing them to remain without irons.

The difference mentioned in your letter respecting the list of sick furnished by me and that taken by the officers of the court, is caused by their inserting the names of persons unsentenced, who have hitherto not been included in the sick list, in consequence of my being directed, when I joined the zillah, to send in a daily account of the sentenced prisoners only. Should it now, however, be your wish to have a register of the whole, I will in future send it in.

I have the honour, &c. &c.

(Signed) L. G. FORD,
Assistant Surgeon, zillah Canara.

Mangalore, 8th August 1815.

Amanah .... Sentenced prisoner.
Perenah .... Ditto.
Frances .... Ditto.
Krestna .... Ditto.
Neela .... Ditto.

Dhanek

Madras Judicial Consultations, 13 Oct. 1815.

Dhanek .... Unsentenced prisoner.
Thaddaroo .... Ditto.

True copy.

(Signed) T. H. BABER,
Magistrate.

To David Hill, Esq. Secretary to Government.

Sir:

Herewith I take the liberty to submit a petition to the Right Honourable the Governor in Council, which I request may be delivered in, and an answer obtained, for

(Signed) MAUDAPAH.

Madras, 24th August 1815.

To the Right Honourable Hugh Elliot, Governor in Council, Fort St. George.

The humble Petition of Maudapah,

Sheweth:

That your humble petitioner, on the 7th ultimo, addressed a petition to your honour in Council, stating several acts of injustice and oppression done to your petitioner by the late zillah Judge at Canara, and praying that your petitioner may be redressed after an investigation may be had, and that the same having met a due consideration was referred to Mr. Baber, the present zillah Judge at Canara, who is now proceeding in the said investigation; but as the principal charges are directed against Mr. Wilson, the late Judge at Canara, it will require your petitioner's personal attendance to prove it, and the only obstacle which prevents your petitioner from proceeding to Canara for such purpose, and which he trusts may be removed, will be explained hereafter.

That by certain rules and regulations prescribed for the due administration of justice within the Company's territories in India, made in the year 1802, it is provided, in Regulation XII, Section 12, Clause 7, that all charges of corruption or extortion that may be preferred against the ministerial officers of any civil or criminal court are to be prosecuted in the civil courts; and in Clause 1 of the same section it is provided, that for such charges the courts are to require the complainant to make oath to the truth thereof, and to give security as may be required, in default of which the courts are not to receive the charge: and in Clause 8 of the same section it is provided, that when such charges of corruption and bribery shall be proved, the court is to adjudge the defendant to refund the amount or value, and to pay a fine of treble the amount to Government.

That your petitioner had stated in his petition, that he was a Sheristadar in the criminal court at Canara, which came under the description of a native ministerial officer of that court; and that when the charge of bribery for five hundred rupees was preferred against your petitioner he was tried in the criminal court, and his property plundered and confiscated, and himself cast into prison and unjustly confined for eight months, without proving or establishing the charge against him, which went in direct contravention of the said rules and regulations above specified.

That in order to detain your petitioner in confinement, it is stated that Mr. Wilson had proclaimed by tom-tom, and by several written proclamations, encouraging all persons to come forward and allege any charges against your petitioner, and promising to detain your petitioner during his life in such confinement, in consequence of which several persons who were enemies to your petitioner came and alleged false charges against your petitioner of bribery, and without any lawful investigation therein Mr. Wilson condemned your petitioner in the civil court for the amount of all such charges, with a fine of treble the amount; but your petitioner having his whole property confiscated, and remaining in such confinement, did take the benefit of the XIVth Regulation, and appealed against such decrees as pauper to the provincial court, who released your petitioner on common bail.

That

Madras Judicial Consultations, 13 Oct. 1815.

That since his release none of his property so unjustly confiscated was delivered to him: and as he found during his confinement that the circuit Judge who came there took no notice, but disregarded the cause of your petitioner, your petitioner therefore came to Madras to seek redress for his losses and injuries; but as your petitioner is not aware of the result of the decrees which went to appeal, he is apprehensive that if the same were confirmed he would be further condemned and imprisoned on his arrival at Canara.

Your petitioner, therefore, humbly prays your honour in Council will be pleased to grant a precept to Mr. Baber, not to enforce the decrees if confirmed by the provincial court, until the investigation of your petitioner's complaint shall be determined, but to take security for your petitioner's appearance, in conformity to the second Regulation of Section 7, made and provided in 1810 for such cases.

And your petitioner as in duty bound shall ever pray.

(Signed) MAUDAPAH.

Madras, 24th August 1815.

Ordered, that the petitioner, Maudapah, be informed, that the course of proceeding prescribed by the Regulations must be observed, and that the Governor in Council cannot interfere in his behalf.

Ordered, in consequence, that the following reply be dispatched to the Judge and Magistrate at Canara.

To the Judge and Magistrate in the zillah of Canara.

Sir:

I am directed to acknowledge the receipt of your letter of the 4th and 18th of August last, and also the copy of a petition received from Maudapah. The petitioner has been informed, that the course of proceeding prescribed by the Regulations must be observed, and that the Governor in Council cannot interfere in his behalf.

I am, &c. &c.

(Signed) D. HILL,
Secretary to Government.

Fort St. George, 13th October 1815.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 3d November 1815.

Madras Judicial Consultations, 3 Nov. 1815.

Read the following letter from the Judge and Magistrate at Canara.

To the Secretary to Government, Fort St. George.

Sir:

I had the honour to receive your letter, dated the 13th, this day, and in consequence of the order passed by the Right Honourable the Governor in Council on Maudapah's petition, I have suspended all further proceedings on that referred under date 17th July for my investigation; and at the same time, I deem it my duty to report, that as far as the evidence has been taken, there is not the slightest ground for any one of the charges contained in that petition against my predecessor, with the exception of the illegal confinement of Maudapah's person, and the irregular mode of attachment of his and his family's property; the latter of which cannot be sufficiently lamented, if only in consideration to the embarrassments thereby occasioned to the execution of the final judgments against both these delinquents, Maudapah and Pootapah.

I have, &c.

(Signed) T. H. BABER,
Judge and Magistrate.

Zillah Court, Canara,
25th October 1815.

The foregoing letter requires no order.

EXTRACT

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 16th August 1815.

Read the following letter from the Judge at Canara.

To the Secretary to Government, Fort St. George.

Sir :

Madras Judicial Consultations, 16 Aug. 1815.

Par. 1. In obedience to the orders of his Excellency the Governor in Council, under date the 4th January 1814, I have the honour to submit copies and English translates of two of the decrees passed by the provincial court of appeal, and of the precepts received therewith, on the cases appealed by Pootapah and Mandapah, the late head ministerial servants of this court, as also copy of a reference I made to that court in pursuance of the spirit of the concluding paragraph of the orders of Government, under date the 27th August 1813, and the answer I have received; agreeably to which the whole costs have been levied from the property under attachment, and such portion as is on account of the Company will be held in deposit until the receipt of the orders of Government.

2. These have been the only decrees received from the provincial court; but it is most probable that the result of the other appeals will be also a confirmation of my predecessor's decrees, with the exception of a few. Not that the amount sued for was not paid to the court servants, but that the plaintiffs had no right to prosecute, not having been empowered by those from whom the sums were levied, and in some instances having themselves been the robbers.

3. In case No. 1592, A.D. 1813, the sum sued for was Rupees 2,376; whereas by an account furnished Mr. Wilson by the revenue officers, the sum total extorted from the Ryots was Rupees 5,591 2 30. The plaintiff, Sheseegatty Vittoba, was not, as Mr. Wilson supposed him, a revenue servant,* but one of the most active of the instruments of the court servants, in their atrocities upon the persons and properties of the inhabitants of the Belghi talook, and who, as was to be expected, appropriated great part of his exactions to his own use. Hence the difference between the amount sued for and extorted.

4. The same observations nearly apply to case No. 1590 of 1813. The sum sued for was only Rupees 2,260; whereas, by the statements taken before Mr. Wilson, the amount actually extorted from the merchants of Mangalore was Rupees 5,336.

5. What the sum total is of all these exactions it is impossible to say. Mr. Wilson, in his letter dated 4th June 1813, says, up to that period the amount, as contained in one hundred and fifteen complaints, was Rupees 62,800; in his subsequent letter, dated the 9th August 1813, the number of complaints had increased to one hundred and fifty-eight, all of which, with one or two exceptions, he says, were evidently well founded: and the opportunities I have had of knowing the corruptions of the court and police servants enable me to assure the Right Honourable the Governor in Council, that the sum total of these complaints falls far short of what has actually been extorted from the people.

6. Many have, and will continue to forego their claims, rather than be at the expense and inconvenience of a public prosecution; and in one case that has been decided in favour of the plaintiffs, inhabitants of Soonda, they have declined defending the appeal, rather than proceed to Tellicherry. The provincial court have, in consequence, ordered that the proceedings in the appeal close with the appellant's petition of appeal, and that the merits of the appeal be brought to issue without further process.

7. Under any other province under British rule, the inhabitants ought to suffer, if they will feed corruption; but when I reflect upon the long sufferings of the people of Canara, and the circumstances which gave rise to them, I cannot but think that great allowances are to be made for them, and that it is a subject

* Vide concluding part of paragraph 33, Letter dated 1st December 1813. There was only one plaintiff.

subject worthy of the consideration of the Right Honourable the Governor in Council, now that the issue of the appeals in two of the zillah court decrees leaves no doubt of the existence of long and extensive abuses, what amends can be made to those of their subjects, whose poverty and inability prevent them from resorting to legal means for indemnification, for injuries and losses sustained at the hands of those very men who were bound to protect them, and what additional provisions may be necessary to guard against the possibility of their occurrence in future. Madras Judicial Consultations, 16 Aug. 1815.

8. Enclosed I send copy of an account current of the sequestered property of the two late ministerial servants, up to the end of last month, as also copies of a communication to and from the provincial court, in explanation of the reasons which compelled me to discontinue the allowance my predecessor made out of this property to Pootapah and Maudapah, for the purchase of stamp paper and for the subsistence of their families.

I have, &c.

(Signed) T. H. BABER,
Judge.

Zillah Court, Canara,
29th July 1815.

Ordered, That the foregoing letter do lie on the table.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 17th July 1815.

READ the following letter from the Register to the western provincial court:

To the Secretary to Government in the Judical Department, Fort St. George.

SIR:

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copy of a decree * passed by this court, in an appeal (No. 35 of 1813) from, and in affirmation of one issued by the zillah court of Canara, in a cause wherein the appellant, Sheristadar of the said court, was prosecuted under the provisions of the above-quoted Regulation. Madras Judicial Consultations, 17 July 1815.

I have, &c.

(Signed) F. HOLLOND,
Register.

Register's Office, Tellicherry,
3d July 1815.

Ordered, That the foregoing letter be recorded.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,
The 27th July 1815.

READ the following letter:

To the Secretary to Government, Judicial Department.

SIR:

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copy of a decree passed by this court, in an appeal (No. 39 of 1813) from, and in affirmation of one issued by the zillah court of Canara, in a cause wherein the appellant, Sheristadar Madras Judicial Consultations, 27 July 1815.

* The decrees are not copied in the collection, but can soon be referred to.

Madras Judicial Consultations, 27 July 1815.

dar of the said court, was prosecuted, under the provisions of the above-quoted Regulation.

I have, &c.

(Signed) F. HOLLOND, Register.

Register's Office, Tellicherry, 10th July 1815.

Ordered, That the foregoing be recorded.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS, *The 25th August* 1815.

Read the following letter from the Register to the provincial court of the western division:

To the Secretary to Government in the Judicial Department, Fort St. George.

Sir:

Madras Judicial Consultations, 25 Aug. 1815.

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII. A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copies of three decrees passed by this court, in appeals (Nos. 37, 38, and 43 of 1813) from, and in affirmation of those issued by the zillah court of Canara, in causes wherein the appellant, Sheristadar of the said court, was prosecuted under the provisions of the above-quoted Regulation.

I have, &c.

(Signed) F. HOLLOND, Register.

Register's Office, Tellicherry, 9th August 1815.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS, *The 11th September* 1815.

Read the following letter from the Register to the provincial court in the western division:

To the Secretary to Government in the Judicial Department, Fort St. George.

Sir:

Madras Judicial Consultations, 11 Sept. 1815.

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copies of two decrees passed by this court, in appeals (No. 40 and 41 of 1813) from, and in affirmation of those issued by the zillah court of Canara, in causes wherein the appellant, Sheristadar of the said court, was prosecuted under the provisions of the above-quoted Regulation.

I have, &c.

(Signed) F. HOLLOND, Register.

Register's Office, Tellicherry, 30th August 1815.

Ordered, that the foregoing letter be recorded.

Read the following letter from the Judge in the zillah of Canara:

To the Secretary to Government, Fort St. George.

Sir:

I have the honour to report, that since my letter, dated the 29th July, I have received four of the provincial court's decrees, in confirmation of the decrees of my predecessor, one of which, viz. the original cause, No. 1578, Rachi

Rachi versus Pootapah for the recovery of Rupees 1,826 2 80, the amount of a bribe paid to Pootapah, for his influence in restoring to her some property which had been sent to court by the Thannadar of [illegible]wassi, under the pretence that it belonged to a person who had died intestate, I now forward, and beg I may be informed whether it is the wish of the Right Honourable the Governor in Council to see any more of these decrees. Three out of these four decrees have been carried into execution, and the fine to the Company, as well as the institution and other fees, will be held in deposit in the revenue treasury until the receipt of the final orders of Government.

Madras Judicial Consultations, 11 Sept. 1815.

It may be proper to notice, that there is a suit now on the civil file of this court not inquired into, preferred by one private against the aforesaid Rachi, for the recovery of this identical property, which the plaintiff says had been forcibly taken away from her by the Thannadar, and a division made thereof between Rachi and the court servants Pootapah and Maudapah. *Sic orig.*

I have the honour, &c.

(Signed) T. H. BABER,
Judge.

Zillah Court, Canara,
18th August 1815.

Ordered, that the following reply be dispatched:

To the Judge in the zillah of Canara.

SIR:

I am directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter of the 18th ultimo, and to inform you that the further transmission of decrees of the provincial court by you is considered unnecessary, as they will be communicated to Government by that court.

I am, &c.

(Signed) G. STRACHEY,
Chief Secretary to Government.

Fort St. George,
11th September 1815.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS,

The 29th September 1815.

READ the following letters from the Register to the western provincial court:

To the Secretary to Government, Judicial Department, Fort St. George.

SIR:

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copies of two decrees passed by this court, in appeals (No. 44 and 46 of 1813) from, and in affirmation of those issued by the zillah court of Canara; in the former of which the Sheristadar, and in the latter the Foujdarry record-keeper of the said court were prosecuted, under the provisions of the above-quoted Regulation.

Madras Judicial Consultations, 29 Sept. 1815.

I have, &c.

(Signed) F. HOLLOND,
Register.

Register's Office, Tellicherry,
13th September 1815.

To the Secretary to Government in the Judicial Department, Fort St. George.

SIR:

I am directed to transmit, conformably with the provisions of Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable Governor in Council, copy of a decree passed by this court, in an appeal

Madras Judicial Consultations, 29 Sept. 1815.

appeal (No. 36 of 1813) from, and in affirmation of one issued by the zillah court of Canara, in a cause wherein the appellant, Sheristadar of the said court, was prosecuted, under the provisions of the above-quoted Regulation.

I have, &c.

(Signed) F. HOLLOND, Register.

Register's Office, Tellicherry, 13th September 1815.

To the Secretary to Government in the Judicial Department, Fort St. George.

SIR:

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copy of a decree passed by this court, in an appeal (No. 52 of 1813) from, and in affirmation of one issued by the zillah court of Canara, in a cause wherein the appellant, Sheristadar of the said court, was prosecuted, under the provisions of the above-quoted Regulation.

I have, &c.

(Signed) F. HOLLOND, Register.

Register's Office, Tellicherry, 18th September 1815.

Ordered, that the foregoing letters be recorded.

EXTRACT FORT ST. GEORGE JUDICIAL CONSULTATIONS

The 17th November 1815.

READ the following letter:

To the Secretary to Government in the Judicial Department, Fort St. George.

Madras Judicial Consultations, 17 Nov. 1815.

SIR:

I am directed to transmit, conformably with the provisions of Clause 8, Section 12, Regulation XII, A. D. 1802, for the purpose of being laid before the Honourable the Governor in Council, copy of a decree passed by this court, in an appeal (No. 45 of 1813) from, and in affirmation of one issued by the zillah court of Canara, in a cause wherein the appellant, late Foujdarry record-keeper of the said court, was prosecuted, under the provisions of the above-quoted Regulation.

I have, &c.

(Signed) F. HOLLOND, Register.

Register's Office, Tellicherry, 6th November 1815.

Ordered, that the foregoing letter be recorded.

JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* MADRAS GOVERNMENT,

Dated 25th March 1818.

To our Governor in Council, at Fort St. George.

Judicial Letter to Madras, 25 March 1818.

Par. 1. OUR last letter to you in this department was dated the 4th instant.

2. We have read with unusual concern the proceedings to which you have referred us, in Paragraphs 133 to 140 of your judicial letter, dated the 1st March 1815, and in Paragraphs 34 to 36 of your letter dated 5th January 1816, relative to the corrupt practices of the native judicial servants in Canara.

3. These transactions appear to have been first brought to the notice of your Government by Mr. Wilson the Judge and Magistrate, in a letter of the

1st

1st of May 1813, from which and from repeated communications subsequently received from that gentleman and his successor in office, it appears that there existed among the native servants, not only of the court but throughout the judicial department, an organized system of extensive and flagrant corruption, extortion, and oppression. Judicial Letter to Madras, 25 March 1818.

4. In these nefarious transactions the two head ministerial servants of the court were principal instigators and active leaders.

5. Of the Vakeels and Gomashtahs employed "immediately in court," Mr. Wilson observed that "not one of them, from the highest to the lowest, "could have been ignorant of the iniquities going on," or could possibly have been "prevailed upon to observe so profound a silence" as they had maintained, "without some powerful inducement to ensure their connivance."

6. There was another description of native servants, from whom the ministerial officers attached to the court were represented by Mr. Wilson to have derived the most active assistance and support in the practice of their malversations, namely, the Commissioners for the trial of civil suits. This class of persons is stated by Mr. Wilson to have oppressed the lower orders of the people by the exaction of compulsory service of every kind without remuneration, and by beating and confining those who made any remonstrances or opposition to their demands, whilst they forcibly possessed themselves of the estates of the higher orders, and extorted from them the necessaries of life and other commodities at less than the market price.

7. The police officers and court Peons are likewise represented to have contributed, in a material degree, to the support of this iniquitous system by "their good-will and connivance, these being necessary in almost every act, "and insured by occasional loans of money, and the exercise of other petty "good offices, with which the head officers of the court found it their interest "to reward them."

8. In describing the lamentable state of things in Canara, Mr. Wilson says, that "attacks against the dearest rights were made by one party, and an "abject surrender of every privilege was yielded by the other:" that "extortion was not confined in its practice against those only who had business "before the Court, but was extended, under every form and aggravation "which rapacious avarice could devise, against all whose opulence attracted "notice, all whose possessions rendered them fit objects for such infamous "designs."

9. The truth of Mr. Wilson's representations has been since fully confirmed by the correspondence of Mr. Baber, his succeesor, as well as by the proceedings of the courts of justice.

10. Mr. Baber, in his letter dated the 29th July 1815, thus expressed himself: "What the sum total is of all the extortions it is impossible to say. "Mr. Wilson, in his letter of the 4th June 1813, says, up to that period "the amount, as contained in one hundred and fifteen complaints, was "Rupees 62,800. In his subsequent letter, dated the 19th August 1813, the "number of complaints had increased to one hundred and fifty-eight, all of "which, with one or two exceptions, he says, were evidently well founded; "*and the opportunities I have had of knowing the corruptions of the court and* "*police servants enable me to assure the Right Honourable the Governor in* "*Council, that the sum total of these complaints falls far short of what was* "*actually extorted from the people.*" From Mr. Baber's letter of the date abovementioned, we also find that two decrees had then been passed by the superior court on the appeals preferred by the head ministerial officers of the zillah court, affirming the judgments of the court below, and that it was his opinion that "the result of the other appeals would also be a confirmation of "his predecessor's decrees."

11. Your records shew that seven decrees of the court of appeal had been subsequently passed, in confirmation of the decisions of the zillah court.

12. We look forward with anxious solicitude to the receipt of information as to the further extent to which redress may have been obtained by the aggrieved, and punishment inflicted upon the guilty.

 13. It

Judicial Letter to Madras, 25 March 1818.

13. It is indeed "mort ng," as you have observed in one of your communications to Mr. Wil , "that all the endeavours in which Government "has persevered during a course of years, for the purpose of protecting "the people against v ence and oppression, of securing to them the "enjoyment of their ts and property, and of instilling into their minds just "notions of the p ciples by which the British dominion over them was "intended to be r gulated, should throughout a large and populous province "have been entirely frustrated by the schemes of two worthless individuals, "intent only upon the acquisition of dishonest gains."

14. Concurring in these sentiments, we have been naturally led to consider the conduct of Mr. Wilson, the proceedings of your Government, and the provisions of your Regulations, in so far as they are severally connected with the atrocious and complicated scheme of corruption and extortion among the native judicial servants in the province of Canara.

15. It is unquestionably matter of deep regret, that a system of such enormous abuse should have been matured and carried on so long undetected, under the immediate eye of the zillah Jud but we nevertheless regard the explanations furnished by Mr. Wilson, as to degree of confidence reposed by him in his servants, the controul which exercised over them in the performance of their duties, and the facilities w he afforded to the natives who might have cause of complaint to make known their grievances, as sufficient to protect him from the imputation of official remissness.

16. We also think it due to Mr. Wilson's character, to express our unqualified conviction of his honour and integrity; and we have no hesitation in approving of the declaration to that effect which you caused to be conveyed to him, upon the occasion of the petitions which were presented to you by two of the persons most deeply implicated in the criminal proceedings which he had exposed. It would not be just to omit in this place a distinct expression of c approbation of the conduct of Mr. Gahagan, the Register of the court, w appears to have had so signal a share in bringing to light the misconduct whic had so long escaped detection.

17. The correspondence of Mr. Wilson, subsequently to the detection of the abuses, exhibits an honourable indignation against wrong, and an anxiety for the ends of justice, which do him infinite credit, even though it may evince no very accurate knowledge of established forms, nor a clear and distinct perception of the road to be pursued towards his object.

18. In almost all imaginable cases, the propriety and expediency of adhering strictly to the established forms of justice, even at the expense (if it must be so) of a prompt and effectual attainment of the substance of it, are too obvious to be disputed.

19. The measures which Mr. Wilson ought to have taken, on discovering the gross misconduct of his servants, were clearly indicated by Regulation XII of 1802, I of 1809, and V of 1811; and how defective soever the Regulations may be in cases even of ordinary occurrence, or how inapplicable soever they may have been to the extraordinary emergency in which he was called upon to act, it was his business to pursue the course therein prescribed. In taking upon himself to depart from the rules which had been laid down for the guidance of the conduct of the Magistrates, Mr. Wilson certainly exceeded his powers; and in calling upon you to *dispense with* the Regulations, he undoubtedly asked that which you could not do.

20. If, indeed, the intent and meaning of Mr. Wilson's request were, that you should amend the existing Regulations, by enacting *new ones* more adequate to the case which he had brought before you, he proposed that which you *could* have done, and which the enormity of the case would perhaps have justified; but we do not blame you for having declined to take upon yourselves that extraordinary responsibility.

21. But giving you full credit for cautious and equitable reserve, in not making an *ex post facto* law for a particular emergency, we cannot forbear expressing our surprise that nothing has been done, in the course of the three years which have elapsed since these transactions took place, to remedy the notorious

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notorious inadequacy of the law as it stood for the purpose of preventing similar emergencies in future, and of checking the progress of evils which, in your own view, must, wherever they prevail, completely frustrate the beneficial effects of the judicial system.

22. It does not even appear from your latest records with which we have been furnished, that you have made that reference to the Judges and Magistrates of the other zillahs, which in your Secretary's letter to the Magistrate of Canara, of the 21st May 1813, you intimated your intention of making, as to the existence of similar abuses among *their* native officers and servants.

23. Your supineness in not taking any steps to amend, or even to bring into discussion, the provisions of the existing Regulations for preventing and punishing corruption and extortion among your native judicial servants, after the inefficacy of those Regulations had been so clearly shewn, and after the strong appeals which had been addressed to you upon the subject, both by Mr. Wilson and Mr. Baber, is the more remarkable, because we find from the proceedings of your Board of Revenue, that in consequence of frequent embezzlement of public money, and of extensive combinations among your native revenue servants, for the purposes of fraud, bribery, and corruption, the Board, so far back as the 22d October 1813, had transmitted to the different Collectors the outline of a Regulation for the better prevention and punishment of those offences among the native functionaries under their immediate controul, with instructions to the Collectors, severally, to submit their opinions upon its provisions, and to suggest such improvements or alterations as they might deem expedient. Why a similar course was not adopted by the Sudder Adawlut, and why (seeing that *that* court neglected so material a part of its duty) you did not call upon it to repair the omission, we are wholly at a loss to understand.

24. By Regulation XII of 1802, "corruption and extortion" in the native servants of a court of justice are to be thus dealt with. The complainant is to be bound over to prosecute at his own expense, with the certainty that the utmost redress that he *can* obtain is the restitution of the sum corruptly extorted from him, less by the sum expended in the prosecution; and with the risk, first, if he fails in his proof, of having costs to pay, and secondly, if he succeeds, of having an appeal to litigate. If he succeeds in this civil suit, it is true the defendant is punished, in effect *criminally*, by a fine *to the Government* of treble the amount of damages given to the plaintiff, who is thus, incidentally and unavowedly, made to bear all the burthen of a public *criminal prosecution*. Dismission from office may, it is also true, be a contingent consequence of the defendant's losing his cause; but the infliction of this punishment depends upon the Government, and even the successful plaintiff *may* therefore have still to tremble before the convicted extortioner in office. It is not a sufficient answer to this to say that Government will assuredly do its duty. The Government has many duties to discharge, which press more urgently upon its attention than a suit in a zillah court; and the very essence of legal decision is, that its effects should be certain, and altogether independent of extra-judicial and arbitrary discretion.

25. Can it be supposed, that any native subject, with his natural timidity, and with his habitual reverence for all that is in authority, would not rather put up with any pecuniary injury not absolutely past bearing, than seek to vindicate his right at such cost, and at such hazard, and with such absolute hopelessness of indemnification?

26. What might have been early predicated as the probable result of the law when called into operation, has been practically exemplified by the course of the transactions in Canara. On the first discovery of the abuse, Mr. Wilson, more eager it must be admitted to attain the substance of justice than careful in attending to its forms, caused proclamations to be made, inviting and exhorting the inhabitants to come forward and reveal their grievances, that they might be redressed and the authors of them brought to punishment, under an assurance, that instead of each of the injured parties instituting a civil suit against his oppressor for damages, either for bribes received or money extorted, the delinquent should be criminally prosecuted by the Government Vakeel.

27. Then

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27. Then, and not till then, were the natives emboldened to step forth with their accusations. Many who appeared with charges against the servants were not those who had actually paid the bribes, but persons acquainted with the transactions. When Mr. Wilson, in consequence of your instructions, abandoned the course which he had first taken, and proceeded (according to the Regulation) to try the charges which had been preferred, as civil actions, we find that the change of process operated as a death blow to the inquiry; and this, too, under circumstances which induced Mr. Wilson, and afterwards Mr. Baber, to express their decided belief, that the corruption and extortions of the native servants extended much further than even their own alarming statements had described. Mr. Wilson says, that "complaints against some were "preferred, but given up when transferred to the civil court, in consequence "of the obstacles to substantiating the claims, and the heavy risks to be incurred "in case of failure." Mr. Baber declares, "that many have, and will continue "to forego their claims, rather than be at the expense and inconvenience of a "public prosecution."

28. Of the parties who had originally filed informations against the native servants, those who had not themselves paid the bribes, or from whom the extortions had not been levied, could not of course institute civil actions for damages, not having sustained any immediate injury. Those who had been personally injured were deterred from standing forth as plaintiffs in a civil suit in the zillah court, by the inconvenience of leaving their homes, their families, and their concerns, by the expenses of the journey and of legal proceedings, and by the not unreasonable apprehension that they might lose their causes through the influence and manœuvres of that powerful combination which was opposed to their success. It is stated even that in the latter case they would, in their turn, have been exposed to an action in the same court, on the part of the delinquents, for damages on account of a suit pronounced to be frivolous and vexatious.

29. There was another reason which is represented to have had, and must have had, a very powerful influence in deterring the aggrieved from seeking redress in the zillah court, in the mode prescribed by the Regulation, namely, the avowed determination of their oppressors to appeal against the decisions which the zillah court might pronounce against them to the provincial court, and even to the Sudder Dewanny at the presidency. This threat was actually carried into execution, and we find, from Mr. Baber's letter of the 29th July 1815, that in one of the cases which the defendant carried by appeal to the provincial court, the plaintiff in the original suit had declined to defend the appeal "rather than proceed to Tellicherry," so that the provincial court was under the necessity of ordering the proceedings in appeal to be closed, after hearing only the petition of the appellant.

30. The provisions of Regulation XII. of 1802, appear to have been borrowed from Regulation XIII. of 1793 of the Bengal Code; and the objects of both Regulations probably were, first, to protect the native servants of the law courts from unfounded, malignant, and vexatious charges, and secondly, to induce those who might voluntarily pay money to the court servants from corrupt motives and for corrupt purposes, or from whom money might be extorted by the court servants, by whatever means and under whatever pretence, to take legal steps to recover the amount of the bribe or exaction, in order that the guilty servants might be exposed and brought to condign punishment. As the evidence of the plaintiff is not admissible in a civil action, it may have been supposed that the process by civil action would operate as a check upon false accusations; and as it seems to have been intended that the party aggrieved in cases of extortion, and that one of the guilty parties in cases of corruption, should have an interest in informing and proceeding, whether against his oppressor or accomplice, the framers of the Regulation doubtless felt that a process by civil action was that which best corresponded with their view of obtaining pecuniary compensation, which could not be obtained by a criminal prosecution.

31. But whatever may have been the views of its framers, it cannot, we apprehend, be disputed, that the Regulation involved a very dangerous compromise of principles, for the sake of objects which it has utterly failed in attaining,

attaining, and that the institution of a civil process, as the only mode of prosecuting a great public delinquency, is obviously inadequate to its object. Judicial Letter to Madras, 25 March 1818.

32. The important distinction between corruption and extortion, and the opposite characters of an accomplice and a victim, are entirely overlooked in the provisions of this Regulation. Its framers do not appear to have considered that the giver of a bribe, in many cases, is as criminal as the receiver, and may be more so, and that a combination between two persons to injure a third ought to be treated as a fraudulent or malicious conspiracy; whereas, in cases of extortion, there is the most aggravated criminality on one side, and mere helplessness and unmerited suffering on the other. The Regulation did far too much for the *corrupter*, by not only permitting him to escape unpunished, but by giving him a chance of recovering his bribe: it did too little against the *corrupted*, by excluding evidence by which alone his guilt could be proved. It placed the *victim of extortion* upon the same footing as the inciter of corruption, while against the *extortioner* its penalties were most inadequate, and its operation powerless.

33. We direct that, on the receipt of this dispatch, practices of corruption, embezzlement, and extortion, on the part of your native judicial and revenue servants *and others*, be declared *criminal* offences, prosecutable by the Government itself, whether such acts immediately affect public or private interests. We do not mean that parties committing such acts should be invariably proceeded against in this mode, but that you should possess our authority for that purpose, and that the Regulation should emphatically declare that such a process will be resorted to whenever it may be deemed necessary.

34. In the course of the correspondence which passed between you and the judicial functionaries in Canara, both Mr. Wilson and Mr. Baber applied to you in the most urgent terms for leave *summarily* to dismiss the native servants of the court. These applications you could not comply with, consistently with the Regulations, however desirable it might have been to dispense with the forms prescribed in such cases.

35. In our revenue dispatch of the 3d September 1817, paragraph 110, we signified to you our opinion, that it would be expedient to revert to the arrangements prescribed by Regulations XII. of 1802, and II. of 1803, respecting the appointment and removal of the native servants employed under the Judges and Collectors. We have again taken this subject under our particular consideration, and we are now so fully satisfied of the necessity of that measure, that we feel no hesitation in instructing you to carry it into effect.

36. A power in the Judges and Collectors of appointing and dismissing, as well as of suspending the natives employed under their authority, is, we are persuaded, essentially requisite to the due and efficient administration of the affairs of their respective departments.

37. The restrictions which we have directed to be removed were imposed upon the Judges and Collectors under your Presidency, in conformity with the practice that had been established under the Bengal Code, and like many other rules of that code they are now felt by the Governor General in Council to have been founded on mistaken principles. The injurious effects of those restrictions have been matter of frequent and strong representation among the ablest and most intelligent of our judicial and revenue officers under that Government, and it is our intention, conformably with the sentiments which have of late been recorded on that subject, to give directions for their abrogation at that presidency.

38. We find, indeed, from a Judicial dispatch (2d August 1816) which has recently been received from Bengal, that they have already been done away, as far as respects the magistrates.

39. Bengal Regulation IV. of 1805, which corresponds with Regulation I. of 1809 of your Government, was framed in consequence of a representation from Mr. Roberts, one of the Judges of Circuit, stating that the zillah Judge of Sylhet had, immediately upon his appointment, discharged the principal officers

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officers of the court, notwithstanding that they had always acted with propriety; and that to a question which had been put to him by Mr. Roberts, "whether "the measure had been ad[illegible] on a general principle that every person has "a right to appoint his [illegible] officers, or from any complaints instituted against "them, or from gene[illegible] bad character," the zillah Judge replied, "that he "had removed some [illegible] the officers alluded to chiefly on a general principle, "that he was empowered to remove and appoint the several officers of the "court (excepting such as were appointed by Government) when it appeared "to him to be proper." Such an arbitrary exercise of power was not to be for a moment tolerated: but there is a wide difference between regulating the exercise of power, and taking it away altogether. To guard, however, against abuses similar to that which we have now referred to, we desire that, in restoring to Judges and Collectors the power of appointing and dismissing their native servants, you will declare, that they shall be held responsible for the manner in which they shall exercise it: that no native servant is to be dismissed excepting for misconduct or incapacity: that when dismissals and new appointments take place the ground of the proceedings shall be recorded and reported; and that Government shall r[illegible]rve to itself the prerogative of reversing any proceeding of this sort, of which [illegible] may disapprove.

40. By your letter, dated 26th of September [illegible]16 (paragraphs 57 and 58), we are informed of Mr. Wilson's application, that [illegible]uit instituted against him in the Supreme Court by the late Sheristadar of the zillah court of Canara, on account of illegality in his judicial proceedings, should be defended at the public expense: and in the forty-eighth paragraph of your subsequent letter of the 17th February 1817, you acquaint us, that the Attorney for the plaintiff had applied for the assistance of the Advocate General in the conduct of the same cause. We approve of the manner in which you have disposed of both applications; but we think ourselves fully justified, under the circumstances of the case, in directing that Mr. Wilson be borne harmless as to all the consequences of the suit.

We are your loving friends,

(Signed) J. BEBB
J. PATTISON,
&c. &c.

JUDICIAL LETTER *to* MADRAS,

Dated 12*th May* 1819.

Our Governor in Council at Fort St. George.

Judicial Letter to Madras, 12 May 1819.

Par. 1. Our last letter to you in this department was dated the 7th ultimo.

2. We have attentively considered the whole of your proceedings towards carrying into effect the orders which we had issued for the reform of your system of judicature and police.

3. We are not surprised that in the execution of these orders you found yourselves engaged in long discussions involving many matters of detail. The minutes and reports of the several authorities contain much valuable information, but as nothing could be more unsatisfactory than a continuance of that controversial character which those discussions assumed, as it is highly desirable that the undivided energy of Government should be employed in giving full efficacy to the measures upon which you finally determined, we shall abstain from all examination of the merits of the controversy, and from all detailed remarks on the provisions of the Regulations themselves. We shall content ourselves with expressing our general satisfaction with them, and with directing that they be carried *strictly* and *faithfully* into execution.

4. There is no object which we have more at heart than the giving a very full and fair trial to this new system, and we look to those who exercise the powers of government, and to our servants acting under their authority in the

Revenue

Judicial Letter to Madras, 12 May 1819.

...nue and Judicial departments, for the most zealous exertions in carrying out instructions into effect. But our object would be entirely defeated unless the Regulations were administered in the spirit in which our instructions were conveyed; we therefore desire that you will be most cautious in your selection of persons to fill the office of Collector, as upon the zeal and intelligence of those officers much of the efficacy of the new Regulations will depend.

5. It is impossible for us to conclude this dispatch without acknowledging, in terms of the warmest commendation, the zeal, ability, and judgment displayed by the Commissioners in the execution of the arduous duty entrusted to them. We are aware that the most important and laborious part of that duty fell on Colonel Munro, the First Commissioner, in whose commendation it would be superfluous for us to speak, were it not for the purpose of assuring you, for your information, and for that of the civil service in general, that we consider the services which he has rendered to the Company, and to the natives, as Chief of the Commission, to be as deserving of our hearty acknowledgments as any act of his long and honourable public life.

We are,

(Signed) C. MAJORIBANKS,
G. A. ROBINSON,
&c. &c.

London, 12th May 1819.

ERRATA.

Page 105, line 39, for *efficiency*, read *inefficiency*.

Page 157, lines 6 and 7, for *Bengal, Bahadur*, read *Bengal, Behar and Orissa*.